

Agenda

Planning and Licensing Committee

Tuesday, 1 December 2015 at 7.00 pm Council Chamber - Town Hall

Membership (Quorum-4)

Cllrs McCheyne (Chair), Trump (Vice-Chair), Barrell, Carter, Cloke, Morrissey, Mynott, Newberry, Pound, Reed, Tee and Wiles

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4.	HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX	Hutton East	21 - 66
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CHANGE OF USE OF EXISTING GRADE II* LISTED HOUSE AND GROUNDS TO A WEDDING AND EVENTS VENUE AND CONSTRUCTION OF SEASONAL MARQUEE.

APPLICATION NO: 15/00756/LBC

6. LAND FORMERLY KNOWN AS NV TOOLS ST JAMES ROAD Brentwoo 83 - 122
BRENTWOOD ESSEX d West

REDEVELOPMENT FOR 45 FLATS, LANDSCAPED AMENITY DECK AND ASSOCIATED CAR PARKING.

APPLICATION NO: 15/01084/FUL

7. GARAGES WAINWRIGHT AVENUE HUTTON ESSEX Hutton 123 - 138
Central

DEMOLITION OF EXISTING GARAGES/LOCK UPS AND CONSTRUCTION OF 4 X 1 BED BUNGALOWS FOR OVER 65'S.

APPLICATION NO: 15/01376/FUL

8. LAND ADJACENT TO 12 AND 13 MAGDALEN GARDENS Hutton 139 - 154 HUTTON ESSEX East

CONSTRUCTION OF 3 NEW DWELLINGS.

APPLICATION NO: 15/01375/FUL

9. Urgent Business

Head of Paid Service

Town Hall Brentwood, Essex 23.11.2015

Information for Members

Substitutes

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.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi-judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. 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.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

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.

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.

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 permission. his/her 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.

Material for Planning Consideration

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 residual 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.

Information for Members of the Public

Access to Information and Meetings

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

Webcasts

All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).

If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

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

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

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

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

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

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

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



Minutes

Planning and Licensing Committee Tuesday, 3rd November, 2015

Attendance

Cllr McCheyne (Chair)
Cllr Morrissey
Cllr Trump (Vice-Chair)
Cllr Mynott
Cllr Barrell
Cllr Newberry
Cllr Carter
Cllr Cloke
Cllr Wiles

Clir Keeble Clir Mrs Murphy

ApologiesCllr Reed

Substitute Present

Cllr Mrs Murphy (substituting for Cllr Reed)

Also Present

Clir Mrs Henwood Clir Mrs Hones Clir Mrs Hubbard Clir Parker

Cllr Foan West Horndon Parish Council
Cllr Watley Blackmore Parish Council

Officers Present

Ashley Culverwell - Head of Borough Health Safety and Localism

Gordon Glenday - Head of Planning & Development

Claire Hayden - Governance and Member Support Officer
Caroline McCaffrey - Development Management Team Leader

Gary O'Shea - Principal Licensing Officer

Paulette McAllister - Design and Conservation Officer

Sukhvinder Dhadwar - Planning Officer Jonathan Binks - Planning Assistant

David Carter - Environmental Health Manager

Christine Stephenson - Planning Lawyer

Charlotte White - Senior Planning Officer

211. Apologies for Absence

Apologies were received from Cllr Reed and Cllr Mrs Murphy was in attendance as a substitute.

212. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee held on 13th October 2015 were approved and signed by the Chair as a correct record.

213. General Licensing Fees

The report asked that Members agree the proposed budget and Schedule of fees and charges for 2016/17 in respect of the general licensing functions other than Hackney Carriage and Private Hire and any statutory or centrally set fees.

A motion was MOVED by Councillor McCheyne and SECONDED by Councillor Trump to agree the recommendation in the report.

RESOLVED UNANIMOUSLY to:

1. That the schedule of fees and charges for all non statutory fees as attached at appendix A be agreed and to take effect on and from 1 April 2016.

REASON FOR RECOMMENDATION:

As above stated, the fees should be set individually for each account and cross over between each is not permitted i.e. a surplus in one is not permitted to offset a deficit in another. Generally, where a fee is discretionary it is required to be 'reasonable'. This means that the Council is not permitted to make a profit and therefore that the fee should aim to achieve full cost recovery subject to the inclusion only of the element of cost permitted by legislation.

- 5.2 The licensing team record their time on a daily basis in order to feed information into the budget setting process as accurately as possible. Traditionally, this has been done in respect of the Taxi Trading Accounts where the complexity of the legislation requires that these are calculated in a specific and very transparent manner. The same statistics have been used to calculate the cost of providing each licensing function and therefore the most appropriate fee, where this can be set or to accurately record any surplus or deficit where the fee is statutory.
- 5.3 In all cases further streamlining of processes within the licensing department and cost reductions brought about by efficiencies within the

council as a whole e.g. the Town Hall project are expected to make a long term positive impact on the cost of running each function.

5.4 The proposed fees and charges and/or the surplus or deficit on the account along with a summary of the reasoning behind the proposals are highlighted separately below:

All calculations are reproduced in appendices B and C.

5.4.1 Licensing Act 2003: - All Fees are Statutory

The licensing Act 2003 (LA2003) function accounts for 39.09% of the overall licensing function/resource. The overall cost of the LA2003 function as at the close of the 2014/15 accounts is £137,423 as compared to an income of £78,753. This means that a deficit is carried forward to 2016/17 of £58,670.

However, these fees are set under Central Government regulations and have remained unchanged since implementation of the Licensing Act in November 2005. In view of this there is no scope to set these fees at present, although the possibility of locally set fees has not been totally discounted by Government, which means that by continuing to calculate the year on year cost of this service, the Council will be better placed to set the most accurate and appropriate fee should this become possible at a later date.

5.4.2 Gambling Act 2005 – Fee set at discretion up to a statutory maximum

The Gambling function accounts for 6.68% of the overall work of the team and for the year 2014/15, the total costs of administering this function were £23,353. With an income of £10,275 from the gambling account for the same year, this means that gambling incurred a loss of £13,078.

Whilst the fee is subject to a statutory maximum with regard to premises applications, this is currently only set at 75% of the maximum figure. The proposal is to increase the fees up to the maximum permissible fee in order to recoup some of the deficit. This is unlikely to fully recover the total deficit due to the small number of applications likely to be received. There is no scope to increase any further although it is hoped that costs may reduce for reasons as highlighted in paragraph 5.3.

5.4.3 Street Trading – Discretionary

Street Trading incorporates the Market, individual stalls, the lighting up Brentwood event and Pavement Cafes. This work amounts to 7.22% of the licensing function at a cost of £26,479 as at the close of business for 2014/15. The income from this is £23,374 leaving a current deficit of just over £3,000 showing on the account.

The numbers of licences issued are relatively small and the calculation is somewhat complex given that some licences are issued on a daily rate, some weekly and others annually. The increase in fees has therefore been calculated to reflect the work that is involved in each case and is aimed at achieving full cost recovery by the end of 2016/17 and gradually reducing the year on year deficit from then on.

One area that has traditionally been calculated separate is the independent fruit stall. This is because it has been trading for many years, has made a positive contribution to the High Street area of Brentwood and does not require a great deal of supervision. The fee has been set at £280PA for the last two years. It is proposed on this occasion that it be raised to £350PA, which covers the costs associated with the grant of this particular licence. This increase has been discussed with the stall holder and he is in full agreement with the proposal.

5.4.4 Scrap Metal - Discretionary

Scrap Metal only accounts for 1.08% of the licensing function, a cost of £4,016 as at close of accounts for 2014/15. Income for the same period amounted to £2,170, which means a loss on the account of £1,846.

Costs for next year are likely to be similar as there is an exercise planned to visit a number of premises throughout the Borough in order to assess whether a licence is required. This may result in an increase in income as these compliance checks may identify traders who are yet to licence under this relatively new legislation. In addition the streamlining as identified in paragraph 5.3 may identify some efficiency savings.

The current increase is proposed from £365 to £495 for a 3 year site licence and from £180 to £280 for a 3 year collector's licence. The initial fee was set as a best estimate when the legislation was first introduced in 2013 and it was agreed at that time that a full review of fees would follow once more accurate cost figures had been assessed.

5.4.5 Skin Piercing – Discretionary

This is a very small element of the licensing function taking less than 0.5% of the overall workload of the team. Associated costs are, therefore also low and the expenditure on this account amounts to only £1220 at the close of accounts for 2014/15. However, with only 7 registrations in that year this has still brought about a small deficit on the account.

Traditionally these fees have only increased year on year by a few £'s and this therefore means that a substantial increase is required in order

to reduce the deficit. However, it is worth noting that this is a 'one off' fee as once registered this continues in perpetuity for as long as the premises is in operation.

Premises registrations are proposed to increase from £105 to £250 and practitioners from £47 to £89. Whilst this increase still leaves an anticipated deficit on the account, this is another area where streamlining of the process and planned future efficiencies should reduce the costs associated with conducting this function. Therefore these fees will be kept under review and re-assessed in detail as part of the fees and charges process for 2017/18.

5.4.6 Animal Licensing - Discretionary

This area covers a number of different types of licence as outlined in appendix C and accounts for 2.63% of the overall work of the team at a cost of £9.336 as at close of accounts for 2014/15.

A move to online applications and afore mentioned anticipation of efficiency savings should reduce these costs over time. Therefore, whilst the increase proposed from £158 to £250 does not recover the full cost of operating the animal function, it is proposed that given the size of the deficit (circa £6000PA) it is impractical to increase fees to the level that would be required to offset this. Therefore, a further review should be undertaken as part of the 2017/18 process, which can take account of any cost savings made over the coming year.

It remains likely that a further increase would be required for 2017/18, however, the impact of this would be spread and if delayed for a year the overall increase should be less than if it were all imposed now.

Zoo licensing is also included in this account and these licences are proposed to increase from £762 to £900 for the grant of a licence and £383 to £550 for a renewal.

5.4.7 Sexual Entertainment Venues (SEV) – Discretionary

This area of licensing has been calculated in a different manner to the other functions performed by the department. The reason for this is that currently there are no licensed sex shops or adult entertainment venues in the borough. This means that the fee calculation must be made on an estimate of how much it would cost to fully process an application from start to finish and the cost of compliance checking throughout the term of the licence.

The fee is therefore calculated to include administration costs (including recharges, overheads and staff salaries), broad consultation, the cost of a hearing to determine the outcome of any application received, the additional cost of processing representations and producing a report for a hearing and two compliance checks per annum.

The recent Hemmings v Westminster Case looked at the fee charged for these types of licences and determined that the fee cannot be set as a deterrent as appears to have happened in some areas. The fee at Brentwood is however, reasonable and can be fully justified as being at an appropriate level to achieve cost recovery.

No costs have been appropriated to this account at this stage as the only expenditure unless application(s) are received would be in training, writing of processes and procedures and formulation of a policy. These are all currently in place and whilst they will be reviewed, there was no such review in the 2014/15 period upon which current expenditure predictions are based.

5.5 With regard to any of the increases proposed, the only alternative to not increasing by as much or in failing to impose any increase at all would be for the balance to be found through the Council's central fund. Ultimately this would mean that licence fees were subsidised by the Council Tax payer and not by those who benefit most from the grant of any licence. Anything other than attempting to achieve full cost recovery as outlined in this report is not therefore, seen as a viable or appropriate option.

(As a substitute of this Committee, Cllr Mrs Murphy did not take part in the debate or vote on this item. Cllr Carter was not present at this stage of the meeting and therefore did not take part in the vote).

214. Taxi Licensing Fees

The report asked Members to agree the proposed budget and Schedule of fees and charges for 2016/17 in respect of the Hackney Carriage and Private Hire licensing functions and for publication of the agreed fees and charges in accordance with statutory requirements.

A motion was MOVED by Councillor McCheyne and SECONDED by Councillor Trump to agree the recommendation in the report.

RESOLVED UNANIMOUSLY to:

1. That Members agree to the budget and proposed schedule of fees and charges for 2016/17 as shown in Appendix A of this report and for advertisement of the same to appear in a local newspaper in accordance with statutory requirements.

REASON FOR RECOMMENDATION:

The Council is required to review fees regularly to ensure that the Taxi licensing regime remains cost neutral. Should any surplus accrue this must be adjusted in the follow years licence fees.

The driver account in particular is running at a surplus as at close of accounts for 2014/15 and it is anticipated that by the end of this financial year (2015/16) that surplus will have increased to over £40,000. Funds cannot lawfully be used to subsidise other Council functions, nor indeed other areas of licensing.

Neither can the funds be transferred within the various Taxi trading accounts e.g. a driver surplus cannot be used to offset a vehicle deficit. Therefore the surplus belongs to the holders of driver licences and must be returned. A reduction in the fees is the simplest means of achieving this.

Whilst the deficit in the operator account is not large, this has to be measured in proportion to the size of the account and the relatively small numbers of licences issued. On this basis the deficit should be recovered as soon as possible, although as with all accounts, work continues on the streamlining of the various processes and it is hoped that this will see a reduction in costs for future accounting years.

215. The Bull Church Street Blackmore Essex CM40RN

Mr Doodes was present and addressed the committee in objection to the application.

Mr Pickering, Applicant's Representative was also present and addressed the committee in support of the application.

Cllr Keeble, Ward Member spoke in objection to the application, outlining the history of Blackmore which dates back to Roman times. The Bull is a large part of the village heritage and a community asset.

The site has diminished over the last 5 years, the bar has been removed and the original timbers have been sanded. The property is not been marketed appropriately and an offer has been received to develop the site as a local pub.

Blackmore has recently lost its Newsagent, Library and soon the post office premises, to lose the Bull will take out the heart of this village.

Cllr Watley, Parish Councillor of Blackmore, supports the objections to the application, along with strength of the comments from the Conservation Officer and the Inspectorate and the amount support within the Chamber.

Cllr Mrs Henwood, Ward Members also spoke in objection to the application.

A motion was MOVED by Cllr Barrell and SECONDED by Cllr McCheyne the application be refused.

A vote was taken by a show of hands.

FOR: Clirs Barrell, Cloke, Mynott, Newberry, McCheyne,

Morrissey, Mrs Murphy, Tee, Trump and Wiles (10)

AGAINST: (0)

ABSTAIN: (0)

RESOLVED UNANIMOUSLY. That planning permission is **REFUSED** for the following reasons.

LT11- change of use or redevelopment of local services, including public houses will not be permitted unless it can be clearly demonstrated that the use is not viable and that there is no interest from an alternative similar community use.

C14 - Development affecting Conservation Issues

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

CP15/17 - Historic development to a Grade II Building.

(Under Part 5.2 of the Council Constitution, Cllr Keeble was not able to able to vote on this application. Cllr Carter was not present at this stage of the meeting and therefore did not take part in the vote).

Cllr Morrissey declared a non pecuniary interest under the Council Code of Conduct by virtue of her employment at a local Estate Agents)

216. Appletree Farm Thorndon Park Warley CM13 3RJ

The agent has withdrawn his application. The reason for the withdrawal is that the applicant considers the officer suggested conditions were too onerous, he will instead submit a certificate of lawful development as soon as it is practicable.

217. Car Park William Hunter Way Brentwood CM14 4SS

Mr Gambardella, was present and addressed the committee in support of the application.

The Officer informed the committee of an amendment to condition 3 within the report.

3 TIM07 Temporary permission - Use (Land)

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 18 months from the date of this permission

commencement in accordance with a scheme of work to be first agreed in writing with the local planning authority.

Cllr Carter, Ward Member spoke with reference to the application and acknowledged that improvements had been made, but still has concerns with regards to noise and the close proximity to local residents. The overall working area and opening times especially on a Sunday were expressed.

Cllr Mynott, Ward Member also spoke about his concerns relating to the application.

A motion was MOVED by Cllr Carter and SECONDED by Cllr Mynott the application be deferred.

A vote was taken by a show of hands.

FOR: Cllrs Mynott, Carter, Newberry and Keeble (4)

AGAINST: Clirs Tee, Barrell, Wiles, Mrs Murphy, Trump and McCheyne (6)

ABSTAIN: Cllr Morrissey (1)

The motion was **LOST**.

A motion was MOVED by Cllr Trump and SECONDED by Cllr McCheyne that the application be approved, subject to two amendments.

Condition 2

Opening times to state Mon-Sat 8:00am-6:00pm and Sun 10:00am- 4:00pm.

Condition 6

Portacabin doors and windows remain closed for the whole duration.

A vote was taken by a show of hands.

FOR: Clirs Tees, Barrell, Wiles, Mrs Murphy, Newberry,

Morrissey and Keeble, Trump and McCheyne (9)

AGAINST: Cllrs Carter and Mynott (2)

ABSTAIN: (0)

The motion was **CARRIED**. That planning permission is **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 TIM07 Temporary permission - Use (Land)

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 18 months from the date of this permission in accordance with a scheme of work to be first agreed in writing with the local planning authority.

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

4 U11267

The use shall not operate and no machinery or equipment associated with it shall be used on the premises before 07:00 and after 19:30, Mondays - Saturdays or before 09:00 and after 17:00 on Sundays and public holidays.

Reason: To safeguard the living conditions of nearby residents in accordance with the NPPF, C14 and PC4, CP1 Criteria (ii) and (vii)# of the Brentwood Replacement Local Plan.

5 U11268

The proposed boundary treatment including final finishes of paint work as shown on drawing 300_00 shall be implemented and completed within one month of the date of this decision, and retained in perpetuity.

Reason: In order to remove visual clutter and to safeguard the character and appearance of this location within the vicinity of the Brentwood Town Centre Conservation Area, in accordance with the requirements of Chapter 7 and 12 of theNPPF along with policies C14 and CP 1 of the Brentwood Replacement Local Plan.

6 U11269

All machinery and noise producing equipment associated with the car wash activity, including pressure washers and vacuum cleaners etc. shall not be removed from the portacabins whilst the approved use is in operation. This machinery shall only be operated if it is housed within the portacabin and the doors of this portacabin remain closed for whole duration of the function of this equipment.

Reason: In the interests of residential amenity in accordance with paragraph 123 of the NPPF along with PC4 and CP 1 of the Brentwood Replacement Local Plan 2005.

7 U11270

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light

spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site in accordance with the NPPF and policy CP1 of the Brentwood Replacement Local Plan 2005.

8 U11271

No sound amplifying equipment, loudspeaker, radio/CD player or public address system shall be installed /operated within the site hereby approved. Reason: In the interests of neighbouring residential amenity in accordance with paragraph 17 of the NPPF and policies CP1 (ii) and (vii) and PC4 of the Brentwood Replacement Local Plan 2005.

9 U11274

No advertisements shall be displayed within the site or on the boundary treatment, without prior permission from the local planning authority.

Reason: To prevent visual clutter in accordance with chapter 7 and 12 of the NPPF and policies CP1, C14 and C16 of the Brentwood Replacement Local Plan.

10 U11361

Any existing connections to the surface water drain shall be disconnected prior to the first use of the site.

Reason: In order to prevent the development from contributing to, or being put at risk from water pollutants, in accordance with chapter 11 of the NPPF and Local Plan Policy PC2.

(Cllr Cloke was not present during this item and therefore did not take part in the vote).

218. 35 Mount Crescent Warley CM14 5DB

Mr Gravan, was present and addressed the committee in objection to the application.

Mr Charles, the Applicant, was also present and addressed the committee in support of the application.

Cllr Mrs Hubbard, Ward Member spoke in objection to the application due to the detrimental impact the proposal may have on the neighbouring property. The depth of the extension and concerns of overbearing presents of the proposed chimney and the overlooking to neighbouring properties by the Juliet Balcony.

Cllr Tee, Ward Member, the over mass of the property and lose of light to neighbouring property under CP1.

Cllr Barrell, Ward Member, expressed his sympathy with the applicant, the property does need re-developing.

A motion was MOVED by Cllr Tee and SECONDED by Cllr Barrell that the application be refused.

A vote was taken by a show of hands.

FOR: Cllrs Tees, Barrell, Wiles, Cloke, Mrs Murphy, Newberry,

Morrissey, Carter, Mynott, Keeble, Trump and McCheyne (12)

AGAINST: (0)

ABSTAIN: (0)

The motion was **CARRIED**. That planning permission is **REFUSED** for the following reasons:

Development size, overlooking of neighbouring property and lost of light.

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

219. Urgent Business

The Chair updated the committee on the report that went to Policy, Resource and Finance Committee 2 November 2015 Policy, it was unanimously agreed to set up a cross party member working group to identify any changes or improvements needed to the Modern Planning Service. It was also agreed that the findings and recommended actions of this review will be reported to the 15 December 2015 Policy, Finance and Resources Committee.

Wynbarns Farm

The minute of the 14th April Planning and Development Committee relating to Wynbarns Farm, 148 Chelmsford Road, Shenfield, inaccurately reflect the decision of the Committee. The implication contained within the minute, that a formal planning condition be applied to this permission, was not the decision of the Committee. The minute should therefore have the reference to conditions removed. The minute will therefore be amended to state the following:-

RESOLVED - to approve this application.

It was **AGREED** that the minutes been amended.

This meeting concluded at 9.23pm.



SITE PLAN ATTACHED

04. HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX

CHANGE OF USE OF EXISTING GRADE II* LISTED HOUSE AND GROUNDS TO WEDDING AND EVENTS VENUE WITH FORMATION OF ASSOCIATED CAR PARK AND CONSTRUCTION OF SEASONAL MARQUEE.

APPLICATION NO: 15/00755/FUL

WARD Hutton East 8/13 WEEK DATE 12.08.2015

NPPF NPPG

GB1 GB2 CP1

POLICIES C14 C15 C16

C17 T2 PC4

C5 C7

CASE OFFICER Mrs Charlotte White 01277 312536

Drawing no(s) PLANNING STATEMENT V.4;

relevant to this ADDENDUM PLANNING STATEMENT V2;

decision: HISTORIC BUILDING APPRAISAL;

TRANSPORT STATEMENT;

SOC - HUTTON HALL;

SOC - HUTTON HALL OUTBUILDINGS; SOC - HUTTON HALL WALLED GARDEN; 100 01; 101; 102; 103; 104; 106; 107; 205;

400 00; 401 00; 402 01; BUSINESS PLAN 2015;

CALENDAR OF EVENTS; 402/01; 404/02; WATERMAN SUPPORTING STATEMENT HW; NOISE ASSESSMENT; TRAVEL PLAN V6;

01 SITE SURVERY; SCI;

1. Proposals

PARISH

Planning permission is sought to change the use of the Grade II* Listed Building and its grounds from a dwelling to a wedding and events venue. It is stated that the 'other events' will only include wakes and funerals. It is proposed to erect a seasonal marquee to the rear of the building and a car park will be formed within and adjacent to the Grade II Listed walled garden. A new entrance door to the side of the Listed Building will be created, replacing a window opening and there will be internal changes with the construction of toilet facilities.

The information provided with the application indicates that the weddings and events will accommodate a maximum of 120 guests. The marquee will be used between April and October each year for dining purposes only. All dancing and other festivities would take place within the main house with dancing within the 'blue room'. The aim is that this wedding venue would promote and increase the number of Weddings at the nearby All Saints Church, which has recently seen a decline in the number of weddings. A letter of support from Father Bob Martin of All Saints Church has been submitted with the application.

The car park proposed constitutes a total of 59 parking spaces within the walled garden and on the land to the west of the site, adjacent to Hall Green Lane. The car park will be gravel topped asphalt within the walled garden with the car park spaces and overflow parking area constructed of grass guard. For weddings utilising the Church, guests would park at the Hall and walk across the moat to All Saints Church. Otherwise guests would park in the walled garden and walk through the footpath to the new side access door into the Hall. Solar lighting bollards are to be utilised. The existing 1970s garage would be demolished to create access to the parking areas from the main drive. An opening will be created through the walled garden to provide an overflow parking area. Cars would enter the site from the north entrance and exist via the car park from the southern exit. Larger vehicles such as minibuses and catering trucks would however leave via the northern entrance. It has been indicated that no coaches would be used with mini-buses and taxis encouraged.

The entire ground floor of Hutton Hall would be given over to the wedding party. A bridal preparation suite will be provided on the first floor. A catering company would manage the weddings, with a catering preparation area to the rear of the marquee. When the marquee is removed in the winter months, the catering will take place in the main kitchen in the main hall or the catering vans themselves. The catering company would arrive at 9am when the bride arrives and would stay until the last guest leaves; with dancing finishing at 11.30pm and all guests to leave by midnight.

A bar will be provided in the conservatory to service the wedding breakfast in the marquee with the main bar for the evening entertainment provided in one of the ground floor reception rooms.

April - October weddings would utilise the marquee for dining with smaller weddings - up to 58 seated guests from November to March whereby the guests will be seated in Hutton Hall (the blue room) for the wedding breakfast. The overflow car park beyond the walled garden will be closed (except for the exit) during winter weddings. The marquee will be used for dining purposes only with small speakers only to allow background music to be played. For the marquee to be installed some minor levelling work will be needed to 75mm-100mm, with a 100mm layer of type 1 laid and a base of tongue and groove timber floor resting on aluminium beams.

The transport Statement submitted indicates that it is anticipated that around 35 events per year will occur at the Hall, following a successful change of use, but this could increase to a maximum of 75-100 weddings and events per year. However, the calendar of events submitted indicates that there will be 42 events in the first year (2016-2017), 65 events in the second year and 78 events in the third year. The Travel plan indicates that provisionally there will be 1 wedding a week but that could expand to include a mid-week function in the summer if there was demand.

Initially 5 members of staff will be employed including a gardener, security, wedding co-ordinators and back office support (accounts/admin). A maximum of 15 additional members of staff will be needed for each event (e.g. waiters and waitresses).

The application has been submitted with schedule of condition reports for the house, outbuildings and walled garden, a heritage statement, a transport statement, a travel plan, a planning statement, a statement of community involvement, a planning statement addendum, a calendar of events and a confidential business plan.

2. Policy Context

National Planning Policy

National Planning Policy Framework (NPPF) National Planning Practice Guide (NPPG)

Local Plan Policies

GB1- New Development

GB2 – Development Criteria

CP1 – General Development Criteria

C14 – Development affecting Conservation Areas

C15 – Listed Buildings – Demolition, Alteration or Extension

C16 – Development within the vicinity of a Listed Building

C17 – Change of use of a Listed Building

T2 – New development and Highway considerations

PC4 - Noise

C7 – Development affecting preserved trees, ancient woodlands and trees in Conservation Areas.

3. Relevant History

- 15/00756/LBC: Change of use of existing Grade II* Listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee. – pending.
- 02/00132/FUL: Continued Use Of Grounds For Holding Up To Six Wedding Receptions Per Year. -Application Refused

02/00131/FUL: Retention Of Entrance Gates. -Application Permitted

4. Neighbour Responses

20 notification letters were sent out, a site notice was displayed and the application was advertised in the press. In total 113 representations from residents have been received:

64 identical 'standard' letters of objection have been received and a further, 47 bespoke letters of objection have been received which make the following summarised comments:

- Unacceptable noise nuisance and disturbance in a quiet area from traffic, guests, the marquee, music and speeches, fireworks, smokers and vehicles detrimental to the wellbeing of the neighbourhood and residential amenity and destroy the tranquil setting and peace and quiet for residents. Thick walls would no prevent noise if windows and doors opened and its impracticable for windows and doors to remain shut.
- Highway concerns including, additional traffic and dust, narrow rural/residential surrounding roads, unsuitable for extra traffic and no pavements or street lighting, congestion, danger to pedestrians, cyclists, horse riders, dog walkers, children and other road users. Likely that vehicles will arrive and leave at the same time. Goods vehicles will need to use the narrow roads. Unsuitable for coach traffic. Sharp bends and limited visibility. Roads used by large farm traffic such as tractors. Could increase accidents. Coaches would block certain parts of the roads. Not all accidents are reported. Insufficient parking. Further damage to the roads and verges.
- Is in a Conservation Area and the Green Belt. Breach of Green Belt Policy and would significantly harm the Conservation Area.
- Challenge special circumstances exist to preserve Hutton Hall.
- Its condition has deteriorated.
- If sale price reflects current condition it would sell as a private residence. Previously marketed for too much.
- Unacceptable detrimental impact on character of the surrounding area. The car park will change the streetscene and would be intrusive and unsightly in a Conservation Area.
- Overbearing.
- Light pollution.
- Unacceptable impact on other peoples enjoyment of the countryside.
- Contrary to National and Local Policy (including Local Plan Policies CP1, C14, GB17).
- Concerns about adequacy of traffic survey and statement submitted.
- Reports that there were no issues when the venue has been used for weddings in the past are incorrect and planning permission was refused for events in 2002. When used as an events venue some years ago the noise was apparent, loud and intolerable.

- No proposal to upgrade sewer and proposal would impact utility services e.g. Sewers and water.
- Conflict of interest for Councillors.
- Lack of neighbour consultation and time to respond and limited community involvement.
- Consider the elderly patients in Hutton Village Nursing Home.
- Drunk guests wondering around the area and drunk driver concerns and antisociable behaviour.
- Risk of extensions to opening hours
- Sets a precedent
- Would require internal rebuilding which would spoil the architecture.
- Not needed several event venues near by. Other venues e.g. Marygreen Manor and Stockbrook Manor are located on major roads.
- Hutton Cricket and football clubs already cause congestion and on-street parking.
- Would be used all year round not just during Spring/Summer e.g. at Christmas
- Harm wildlife. Ecology report is inadequate.
- Inadequate environmental study and concerns about impact of run-off water.
- Insufficient information submitted, including no archaeology survey, heritage statement and tree survey. No financial information or acoustic survey.
- May be more appropriate to utilise the building for apartments.
- Commercial gain.
- There are no business premises nearby.
- Concerned it would not increase weddings at the Church trend to have weddings in one place.
- Brentwood employment benefits are limited e.g. the catering company is from Chelmsford.
- Nearest bus stop in several hundred yards away and there is limited bus service at weekends and no service at night. Travel to a wedding via train, bus, cycle, walking is unlikely. Not sustainable.
- Rev, Bob Wallace did not refer to the Church Committee prior to drafting his letter of support.
- Marquee is effectively a permanent structure.
- Concerned about loss of residential units
- Query use of solar panels.
- Does not constitute enabling development.
- No benefit to the local community
- Query if there are restrictive covenants.
- Lanes flood in sudden heavy rain.
- Is it due to the Registry Office in Brentwood closing?
- Could it mean filling in the pond for parking?
- Applicant cannot prevent coaches being used.
- Concerned about what the 'other events' will be and should be restricted.
- Concerns about adequacy of acoustic report.

2 letters have been received which are neither explicitly for or against the proposal which make the following comments:

- Approach lanes are all ancient green ways and should not be tampered with.
- Please place a sign showing the unsuitability for lorries at the Rayleigh Road/Hutton House corner.
- Lots of speeding traffic along Hall Green Lane.
- At the very least need substantial traffic calming measures installed.

A letter of objection has also been received from the Hutton Preservation Society which makes the following comments:

- Is in the Green Belt and Conservation Area and is a historic focal point.
- Realises the issues in upkeep of the property.
- Inaccuracies in Planning Statement
- Would require an expensive renovation before the scheme could take place
- Would put a strain on this peaceful area.
- There was much public concern in terms of noise and traffic from several commercial ventures held at the Hall a few years ago. Application was declined 02/00132/FUL
- Traffic survey undertaken in November when less traffic uses the area
- This small section of country in suburbia is unusual
- Lanes reflect the strip farming of its Saxon past
- The accident report does not reflect the minor collisions.
- Large container lorries using Sat Nav has exacerbated the problem and vehicle passing problems.
- Bikers, walkers, horse riders, nature-lovers, joggers and dog walkers use the lane as a recreational area
- Hall Green Lane is blocked by parked cars every week alongside the cricket club during the season.
- Large agricultural vehicles use these roads.
- Concerns regarding the water system, antiquated sewerage system, flooding in area including of raw sewerage.
- Will effect nearby Nursing home; increase in traffic and noise
- Employment opportunities will be imported from the Chelmsford based wedding planners
- Heritage statement is missing
- Should there be a archaeological survey?
- All Saints Church holds many events other than weddings if used by the Hall how would this affect the Church's use.
- Rev. Bob Wallace retires August 2015 and his comments submitted with the application are his views only.
- Marquee would be semi-permanent not temporary
- Weddings in wet weather would mean guests having to walk over wet grass/flooded lanes to the Church.
- Concern about the wall being knocked down for the car park which is part of the original Tudor part of the Hall
- Are the transport choices sustainable?

- Will generate movement throughout the day e.g. deliveries and staff arriving.
- Noise and increase in traffic
- Travel plans are of limited use
- Optimistic to believe events will finish by midnight
- Untrue that Hutton Hall was the reason for the Conservation Area.
- More suitable option may be flat conversions

A letter of objection from CPRE Essex (Campaign to Protect Rural England) has been received which makes the following comments:

- Protection of the character of the whole Conservation Area has to be considered
- Would harm the setting of the Listed Building
- Whilst preserving an individual Listed Building is a worthy cause it should not be at any cost
- Would result in environmental degradation.
- Detrimental impact on special character of Hutton Village Conservation Area by virtue of noise and traffic generation
- Encroachment beyond the site into the rural lanes beyond, adversely impacting the Green Belt and contravening policy
- Car parking and marquee would be contrary to Green Belt policy and would urbanise the Green Belt
- No very special circumstances exit that outweigh the Green Belt harm.
- Not a shortfall of event venues around Brentwood
- The three access roads have limited capacity and are unsuitable and unsafe to deal with the traffic volume. Traffic has to share these lanes with large agricultural vehicles.
- Would adversely affect the peaceful rural/semi-rural character of the lanes.
- Contradictions regarding the route for vehicles.
- Guests leaving at midnight will cause disturbance and would be dangerous using these lanes.
- Would interfere with the sleep of residents and affect their amenity.
- Traffic causes safety concerns of pedestrians, cyclists and horse riders.
- Unlikely that public transport would be used nearest bus stop is half a mile away and much of the route has no pavement.
- Insufficient information has been submitted to claim this is enabling development and alternatives have not been exhausted.
- Hope a less harmful means of securing Hutton Hall's future such as flats can be found.

5. Consultation Responses

Bat Group:

Response awaited.

Essex Badger Protection Group:

Response awaited.

Essex Wildlife Trust:

Holding objection – ecology report needed: A phase 1 habitat survey and appropriate protected species surveys as required.

Natural England:

Natural England has no comments to make on this application.

County Archaeologist:

Hutton Hall is medieval in origin and would have served as the manorial centre for Hutton as well as a dwelling for the Abbey's bailiff. The hall is located within a rectangular moat, the south and west arms are still extant and water-filled, while the northern and east sides have been infilled (EHER 5350). The Hall is a grade II* listed building (EHER 27306) and the associated walled garden is also listed (EHER 27307). It is likely that there are below-ground remains within the gardens of the hall which could be associated with earlier phases of the manorial centre. The proposed development, particularly the plans for the car parking will affect both the walled garden and any earlier activity. While the walled garden is currently unmanaged it is highly likely that there are remains of structures and garden features within this area and this evidence may be damaged or destroyed by the groundworks associated with the development.

It is recommended that a Desk Based Assessment is carried out, focussing on cartographic evidence of the site to inform our understanding of the layout, usage and development of the garden area which would inform any future mitigation strategies.

In view of this the following recommendation is 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. A brief outlining the level of investigation will be issued from this office on request and in this instance there will be a cost implication for the developer.

Highway Authority:

Although the site is not in an accessible and sustainable location in terms of alternatives to private car use, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, given the contents of the proposed Travel Plan submitted with the application, the existing use of the site and accesses, the scale and nature of the proposals, and the areas available for parking within the site, subject to the following conditions;

1. Prior to commencement of Hutton Hall as a wedding and events venue, the access to the south of the site along Hall Green Lane to be used for egress only, at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both directions, 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. All access to Hutton Hall shall be via the existing main entrance located to the north of the site from Hutton Village/Hall Green lane only. The entrance must be clearly signed for visitors attending the weddings and events. Coaches only will exit via this point of access, as detailed within the Transport Statement.

Reason: 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. The exit from Hutton Hall for wedding and event guests shall be via the access located to the south of the site along Hall Green Lane only, as shown on Drawing No. 0003 Revision A01.

Reason: 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. The development shall not commence until a Travel Plan has been submitted and approved by the Highway Authority's, Essex County Council, Travel Plan Team. The approved travel plan shall be complied with during the operation of the site for the approved uses.

Reason: To reduce the use of motor vehicles and encourage other modes of transport and to provide management of the vehicles attending the site.

- *Please note comments and recommendations from Essex County Council Travel Planning Team for amendments to Travel Plan as submitted.
- 5. The vehicle parking area shall be designed in accordance with The Parking Standards Design and Good Practice 2009, and shall be retained at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the approved uses of the site unless otherwise agreed with the Local Planning Authority.

Reason: To provide appropriate vehicle parking in the interest of highway safety and amenity.

6. The development shall not commence until the proposed secure cycle and motorcycle parking facilities have been provided and thereafter they shall be retained at all times

Reason: To ensure appropriate cycle and motorcycle parking is provided in the interest of highway safety and amenity.

7. In order to accommodate the intensified use of the surrounding single track roads, the provision of vehicle passing places must be established in a position and to a specification to be agreed with the Local Planning Authority and the Highway Authority prior to commencement of Hutton Hall as a wedding and events venue.

Reason: To ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway safety to ensure accordance with Policy DM1. Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3QH

Environmental Health & Enforcement Manager:

When considering this aspect of the Planning Application the applicants Noise assessment report NO. AA629/23/10/2015 will be used as a reference/data source. Noise arising from music played in the Blue Room

The report outlines the investigation carried out regarding music levels within the Blue Room and outlines the range of frequencies that have been assessed. The process employed whilst carrying out this investigation was satisfactory and this Department is satisfied with the results and conclusions arrived. Noise from guest voices on departure

An additional assessment was carried out by Alpha Acoustics with relation to possible effects from raised voices from customers/guests leaving the property late at night.

Environmental Health is satisfied with the process and investigative procedure used and is in agreement with the results achieved.

Traffic noise arising from Wedding Guest's Cars

It is acknowledged that Hutton Hall is located in a quiet rural area immediately outside Hutton Village and as such vehicular activity to and from the venue might have an intrusive effect to those living close by.

With this in mind, Environmental Health had requested that the acoustic consultants of the applicants, Alpha Acoustics, carry out an assessment of the possible noise impact from the likely increased vehicle activity.

Assessments were carried out by Alpha Acoustics of the noise levels in the area at various times during the day and late evening.

Maximum likely cars/vehicles

It is agreed that the maximum figure of vehicle to use in this assessment would be what has been set aside for patrons within the grounds of the Hall, 60 spaces, therefore 60 cars. It is also understood that some additional vehicles may be involved such as Taxi's and catering vehicles.

Arrival and departure times

It is accepted that while some events may begin between 15:00hrs and 18:00hrs, these would most likely be tied in when the nearby church which would be involved in carrying out the wedding ceremony. It must be pointed out though, that Hutton Hall may also be hired out by customers who have had the ceremony earlier elsewhere and merely wish to use the Halls facilities for only reception purposes. In this case, such receptions could easily be asked to start at a later time, 19:00hrs - 20:00hrs. This being the case, this could have an increased acoustic effect on nearby residents.

Nevertheless, it is thought that noise effects to nearby residents during the 'arrival' times would not be significant.

With regard to likely departure time, the possible noise effect of vehicular traffic on neighbouring properties may increase.

Assumptions

Assumption 1

In the course of the Acoustics report it is assumed in 4.6.16 that the leaving traffic movements of the 60+ cars would be split equally in to the three road directions available. North into and through Hutton Village, north and then immediate west onto Hall Green Lane and South onto the small country lane/Church Lane. It is the opinion of this Department that the latter route would be unlikely to be chosen by the vehicles as this would present an 'unknown' direction and therefore vehicular movement will most likely be divided up into the two remaining routes, via Hutton Village and west along Hall Green lane.

This would mean that such traffic would be channelled through these residential areas late at night at approximately 30+ vehicles per route (rather than the assumed 20+ per route of the 3 roads). This would obviously increase the expected impact to the residential areas by an additional 50% to that initially calculated within the report.

Assumption 2

It is postulated in 4.6.25 of the report that 'many people do not go to bed until at least midnight' and therefore the vehicular activity from the Hall will not affect sleep as many would not be sensitive to sleep disturbance.

It is the opinion of this Department that most people within this area will most likely be going to bed at approximately at 23:15hrs. Even in London, the average time for those retiring to bed has been calculated at 23:25hrs. This been shown in a recent survey and report 'The Great British Bedtime Report' as commissioned by the Sleep Council in 2013.

Therefore, even if it is accepted by the applicant that all reception activities are to cease at the earlier time recommended of 23:00hrs, by the time customers are actually leaving the grounds, the majority of residents in the area will be in their beds trying to get their sleep.

Assumption 3

It is assumed in 4.6.25 that existing traffic moving on these roads must have exceeded the recommended criterion. With this in mind, as there has been no 'apparent history of disturbance or complaint' then it is postulated that there will be little change.

It is the opinion of this Department that the existing traffic flow in this locality shows limited numbers of vehicles moving

- a) Between 19:00hrs and 20:00hrs: 14 vehicles
- b) Between 23:00hrs and midnight: 3 vehicles

Therefore with regard to a) if customers were to arrive late around this time (and we are assuming 30 vehicles (see earlier argument Assumption 1)) for a reception only event the predicted traffic flow would have increased by approximately 100%. With regard to b) if customers were to leave between 11pm and midnight the traffic flow over this short period of time would have increased by a factor of 10. Approximately 900% more than the original flow.

Assumption 4

The acoustic calculation for this assessment is based on a fairly unique situation and perceived problem. There is no specific guidance relating to the assessment protocol of this matter and therefore the Applicants Acoustics specialists have had to carry out the assessment on a 1st principle basis. With this in mind Alpha Acoustics have chosen to measure this situation using an 8 hr LAeq for the period of 23:00hrs to 07:00hrs. The definition of LAeg or Equivalent Sound Level 'is the sound Pressure Level in dB, equivalent to the total sound energy over a given period of time'. In layman terms it is a form of averaging out of the sound energy (expressed in dB's) over a stated period of time. As in with any averaging out procedure, the longer the period over the small amounts of high readings that might be recorded, the lower the representative figure is liable to be. It is the opinion of this Department that as there will undoubtedly be a significant increase of relatively loud vehicular activity within a short period of time (approximately an hour) with relatively guiet long periods on either side of this event, the comparison should be made by comparing the noisy event with equivalent time periods of background noise levels normally experienced in the area.

Therefore, if a 1 hr LAeq were to be calculated for the time 23:00hrs - midnight and then compared with the already monitored ambient noise levels detailed within the report (see 4.3 Table 4.1) the resultant difference/comparison should show a significant difference in the noise levels.

Conclusion

Taking all of the above into consideration this Department confirms the following: Noise arising from music played in the Blue Room

The emission of noise from the Blue Room during the reception event should not be a problem to local residents as long as certain precautions are taken into account. Namely, the recommendations as outlined in the acoustics report 4.5.2 be confirmed in the form of conditions for the said Planning Application.

Noise from guest voices on departure

It is accepted that the assessment carried out by Alpha Acoustics (as shown in 4.7) relating to this possible issue is acceptable and that the likely impact of this activity will be insignificant.

Noise from vehicular activity from wedding guest's cars

For the reasons outlined in the discussion relating to Assumptions 1 - 4 this Department is of the opinion that there will be an increase in intrusive noise to nearby properties, particularly during the late evening periods between 23:00 - 24:00hrs.

It must be noted though that the degree of disturbance would be dependent on the degree of usage of the Hall and its facilities and that this assessment was based on the extreme 'worst case scenario' basis.

Historic Buildings And Conservation Officer:

<u>Significance</u>

Hutton Hall and attached stable block; listed in 1958, Grade II* (list entry No. 1280481). Walled Garden at Hutton Hall; listed 1994 (list entry No. 1197196). The Hall dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks. It comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central lonic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. First floor, front central section reorganised as an interior conservatory/garden room. One room has inserted panelling of c1600. In the house are several C18 doors with fielded panels, also panelled walls (Sourced at Historic England 2015 – Full listing text in Appendix 1).

Hutton Hall is located centrally within the Hutton Village Conservation Area; designated in 1986 - this location has origins prior to the Doomsday Book. The site and its curtilage are highly significant and contribute positively to the Hutton Village Conservation Area. The earliest record from Heritage Gateway refers to the Medieval Moat (1066 AD) which lies within its curtilage. The Conservation Area is rural in nature with verdant boundaries framing Hutton Hall; only glimpsed views of the Grade II* listed building within its core are facilitated from a public view.

The Hall has association with the Church of All Saints to the south-east; although this Grade II* church is of an earlier period, dating from early C14th.

Proposal

Change of use of existing Grade II* Listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee.

<u>Background</u>

Pre application advice was undertaken, my comments included the following:

Concern for the walled garden and the level of parking — this in turn may harm the rural quality of the Conservation Area —not all of the walled garden should be car park. In addition the wall itself is listed and must be protected from vehicular movements and potential damage. One opening would be acceptable given this is a rebuilt section, the trees which line the wall should be removed; there is a concern over the integrity of the wall given their location — tree officer to advise.

The long term conservation of the Hall is paramount – a schedule of repairs and works to be carried out under a LBC should be dovetailed into a future application. The Character and Appearance of the Conservation Area should not be diminished. Refer to Historic England for further advice given the Grade II* designation'.

Discussion

The grade II* listed building and grade II listed walled garden are significant heritage assets which contribute positively to the Hutton Village Conservation Area. There is considerable record of the Hall and its location (CA) held at the Essex Record Office and on the Heritage Gateway database. The location and its historic and social significance culminated in the designation of the location as a Conservation Area in 1986.

In assessing this application in respect of Conservation, I have had regard for *all* Heritage Assets impacted upon by these proposals. A site visit was undertaken on 28th August with the Historic Buildings and Areas Inspector of Historic England, Sheila Stones. The Grade II* listed building is not on the Heritage at Risk Register and whilst in need of repairs and a program of cyclical maintenance, is not currently in a state where I would recommend its inclusion in such. I understand there is flatted accommodation at the Hall which are not subject this Change of Use application; there are no proposals within this application for any alterations to them.

The proposals seek to convert the entire ground floor and selected rooms at first floor level of the Hall into a wedding and events venue to fund the upkeep of the house. The scale of the proposed weddings would be approximately 120 guests in total. In addition, a marquee to the rear of the building (south lawn) is proposed for use between April and October.

Principle of Change of Use (Change of Use):

In terms of the 'principle' of using part of the Grade II* Hall for weddings and events, I advise this can be acceptable when considering the proximity of the Hall to the Grade II* listed Church of All Saints. At pre-application stage the listed building owner stated supporting information in respect of the proposed use of the hall with the Church would form part of a future submission; unfortunately, there is no evidence within this submission to substantiate this intent. The Historic Buildings Appraisal as submitted by the applicant refers to the Church in section 5. 19 as of 'Good, much restored' condition. It is important to relate the intensity of use at the Hall with the heritage benefits for both Grade II* listed buildings, including their capacity.

In terms of the proposed marquee, this was initially illustrated in plan form as being at an acceptable distance from the building; however details of the structure were requested during the determination of this application which illustrated its scale and positioning (revised drawings 16276 – PH.16). Having assessed these revised drawings I advise this is substantial structure albeit of a 'temporary nature', its positioning is proposed as abutting the Grade II* building which is not acceptable. I note the south lawn is well screened from the Conservation Area however the setting of the listed building would be compromised by this positioning and scale; in addition the proposed abutment could undermine the structural stability of the Conservatory overall, therefore this must be reconsidered and fully justified.

The proposals to apply *Astroturf* within the setting of the Hall when the Marquee is removed are contextually inappropriate.

In terms of the works needed to be undertaken in respect of implementing the change of use outlined in this application; the majority of such would require Listed Building Consent separate to those proposed within this application. At the site visit in August, it was evident a soft strip of later fabric had been undertaken in the rear hall without consent; alongside plastering to ceilings in first floor chambers with gypsum plaster. The listed building owner has had advice from both myself and Historic England as to repairs which can be undertaken outside of this application and I confirm a more sympathetic approach with traditional materials including reversing the ceilings fabric is to be undertaken.

I reiterate that <u>no</u> further works other than those advised upon should be carried out at this listed building without Listed Building Consent.

Listed buildings:

In terms of the works to the listed buildings set out under this application, namely Hutton Hall and The Walled Garden, I advise:

The demolition of the 1970s garage is accepted, as I stated at pre-application stage, this structure contributes little at present and is aesthetically awkward in the setting of the listed building; therefore its removal should be undertaken with caution given its abutment of the listed wall.

The new opening proposed on the west elevation in place of the current window can be acceptable; it is clear from the site visit that there may have been an earlier opening here, the loss of historic fabric is limited and therefore acceptable in this instance. The relocation of the Conservatory door is not accepted, and the door should remain in situ as existing.

The walled garden itself is statutorily listed (see opening paragraph in the report). There is a section where the wall has been rebuilt and insensitive jointing/mortar is present in part; consequently I accept this location for opening up subject to detail. My concern is the extent of the parking indicated in the overflow area in terms of the subsequent impact upon the Conservation Area; the established landscaping at this location and the rural quality is intrinsic to the character and appearance of the Conservation Area. I also raise concern for the level of vehicular movement in such close proximity to the listed wall; this has been raised with the agent.

The materials for surfacing annotated namely the asphalt with resin bonded gravel is not acceptable, hoggin would be appropriate. The lighting bollards are not presently acceptable, a more sensitive detail with protection of the wall advised. The tree officer will be able to advise further on the landscape proposals and the revisions recently received. The boundary material of willow is not accepted, soft boundaries are the narrative which should be applied given the sensitivity of the site overall and its positive contribution to the Conservation Area, the desirability of such should be preserved or enhanced.

Summary:

I advise the proposals for hosting weddings and events in part of the listed building would not, in principle, cause harm to the significance of the Grade II* listed building; however the level of intensification is of concern given the details submitted for the Marquee and the extent of overflow parking visible from the Conservation Area in such close proximity to the listed wall. I would agree with the statement in the Historic Buildings Appraisal (Section 6. 4) that 'Any works to the Listed Buildings and Structures require sensitivity and great care in order not to harm the interest in these monuments' however this sensitivity should extend to include the setting of the heritage assets (The Hall and the Walled Garden) and the character and appearance of the Conservation Area.

The works to Hutton Hall as identified within this application are accepted in principle with the exception of the Conservatory and subject to further details by way of Conditions; the repairs to the building will provide a heritage benefit and contribute to the long term conservation of the Heritage Asset, however in planning terms this channeling of funding and costing for the conservation of the listed building, wall and grounds needs to be robustly evidenced.

Further works to implement any change of use in respect of the interior chambers are subject to a future LBC.

Recommendation:

In assessing this application the level of intensification has not at present been adequately justified in accordance with guidance in the National Planning Policy Framework in respect of works needed to fund the repairs and upkeep of the listed building. The level of such intensification at present raises concerns for the listed building given the abutment and scale of the Marquee and concerns for the Conservation Area given the extent of parking which would be visible from Church Lane. Should further information become available in respect of the above advice I would be pleased to provide additional comments. Should the justification be acceptable in planning terms I will be able to provide more details in respect of Conditions.

Please also refer to the Historic Buildings and Areas Inspector for advice given the Grade II* designation.

Arboriculturalist:

There appears to be some works proposed within what are tree RPA ,a condition is suggested to protect those trees to be retained by the provision of a tree protection plan and method statement describing the measures to be taken to ensure trees are not damaged .

Hutton hall, Thanks for sight of the landscape plan it is now acceptable for the type of development and historic nature of the property.

Historic England:

Thank you for your letter of 16 July 2015 notifying Historic England of the planning application for change of use of existing grade II* listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee.

Hutton Hall, which dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks and comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central lonic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. The house is listed at grade II* for its architectural and historical importance. I visited the house on 28 August, accompanied by your Design and Conservation Officer Paulette McAllister, when the proposals were explained in detail to us by the applicants and their agent. The applicants are seeking to convert the entire ground and first floors of the Hall into a wedding and events venue, primarily to fund the upkeep of the house. The scale of the proposed weddings would be approximately 120 guests plus a 'Top Table.' In addition, they are proposing to erect a marguee to the rear of the building, immediately adjacent to the existing conservatory, for use between April and October each year. The marguee would be screened from view in all directions by existing dense vegetation

Historic England consider that, in principle, the proposed change of use to a wedding and events venue would be a sympathic use of the building. Also, in principle, we would have no objections to the proposed alterations to the house. The applicants are proposing to undertake works on a phased basis and whilst we discussed the entire scope of the change of use scheme, in this response I will focus on specific issues that were agreed by all parties would form part of the phase one proposals. All of these works require listed building consent. Initially we discussed the alterations at first floor level in the proposed 'Bridal Preparation Suite.' The asbestos ceiling tiles should be removed by a suitably qualified contractor as part of the first phase. The removal and replacement of the late 20th century partition at the head of the main staircase was discussed and detailed designs of its replacement should be submitted at this stage. In the bathroom and adjacent bedroom at first floor level, lime plaster ceilings have been replaced with gypsum plaster without consent following water ingress. Whilst we welcome the prompt action taken by the owners to safeguard the fabric of the building, these ceilings should be replaced with lime plaster as part of the phase one works.

At ground floor level we discussed the unauthorised 'soft strip' that has taken place, involving the removal of Formica panelling and other modern surfaces. Whilst in this instance Historic England would obviously not seek the retention of such unsympathetic fixtures, it is imperative that, in future any works, however minor, to this grade II* building should be brought to the attention of your Design and Conservation Officer who will then assess the requirement or otherwise for listed building consent. The proposals also show the relocation of the door from the conservatory to the garden. Historic England do not consider this can be adequately

justified in accordance with guidance in the National Planning Policy Framework and wish to see the retention of the door in its current position.

With regards to the parking spaces proposed within the walled garden; again Historic England does not have an in principle objection. However, we are concerned that the current proposal is for 60 car parking spaces and a robust justification is required for this level of parking, in accordance with guidance in the National Planning Policy Framework.

If the issues above are satisfactorily addressed, Historic England would be in a position to recommend approval of the proposals in their entirety.

Recommendation

Historic England consider the proposed change of use to wedding and events venue would not, in principle, cause harm to the significance of the grade II* listed Hutton Hall or its setting, in accordance with guidance in the National Planning Policy Framework. We have no objections to the majority of the external and internal alterations but require details of specific elements of the scheme to be resolved to our satisfaction; thereby enabling us to be in a position to recommend approval of the planning application for phase one of the development proposals in their entirety.

Additional Historic England Comments received following amended plans:

Thank you for your letter of 16 November 2015 notifying Historic England of amended plans in connection with the planning application for change of use of existing grade II* listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee. My revised advice below also addresses the amended proposals.

Hutton Hall, which dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks and comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central lonic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. The house is listed at grade II* in recognition of its architectural and historical importance and is within the Hutton Village Conservation Area.

Following a site visit on 28 August 2015 when the proposals were explained in detail by the applicants and their agent, I provided my formal response on 7 September regarding the scheme for conversion of the entire ground and first floors of the Hall into a wedding and events venue. The weddings would comprise approximately 120 guests plus a 'Top Table.' In addition, a marquee would be erected to the rear of the building immediately adjacent to the existing conservatory, for use between April and October each year. The intention would be for the marquee, which would have a footprint of approximately 16m x 9m, to be screened from view in all directions by existing dense vegetation.

Historic England consider that, in principle, the proposed change of use to a wedding and events venue would be a sympathic use of the building. Also, in principle, we would have no objections to the proposed alterations to the house. The applicants are proposing to undertake works on a phased basis and whilst the entire scope of the change of use scheme was discussed on site, my advice relates to elements that were agreed by all parties would comprise phase one of the works. All of these works require listed building consent. The alterations at first floor level in the proposed 'Bridal Preparation Suite' include the removal of asbestos ceiling tiles which must be carried out by a suitably qualified contractor. Also proposed is the removal and replacement of the late 20th century partition at the head of the main staircase, but detailed designs of its replacement have not been submitted as part of this application. In the bathroom and adjacent bedroom at first floor level, lime plaster ceilings have been replaced with gypsum plaster without consent following water ingress. Whilst we welcomed the prompt action taken by the owners to safeguard the fabric of the building, these ceilings should now be replaced with lime plaster. At ground floor level, we would have no objection to the insertion of a door in the west elevation.

Whilst we do not object to the proposal for a marquee in principle, we consider the scale and proposed location, shown on the amended drawings to be immediately adjacent to the conservatory, would be wholly inappropriate as it would harm the significance of the listed building through the impact on its setting.

Regarding the proposed use of the grade II listed walled garden for car parking purposes; again Historic England do not have an in principle objection. However, the scale of the current proposals, at 60 car parking spaces, would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

The proposals as currently submitted would be contrary to guidance in the National Planning Policy Framework as the works to the hall itself have not been adequately justified; the scale of the marquee would cause harm to the significance of the hall as a result of the impact on its setting and the level of parking proposed in the walled garden would cause harm to its significance as a result of the level of change in its character.

Historic England considers the level of supporting information submitted with the application to be inadequate. Any potential public benefits likely to accrue from the scheme have not been demonstrated in accordance with paragraph 134 of the National Planning Policy Framework, nor has it be shown that the size of the marquee and the number of parking spaces within the grade II listed walled garden would be the minimum required.

Recommendation

Historic England consider the proposed change of use to wedding and events venue to be a sympathetic re-use which, in principle, would not cause harm to the significance of the grade II* listed Hutton Hall. However, due to the absence of adequate supporting information it has not been demonstrated that the scale of the marquee and the extent of the parking provision would be the minimum required to be financially viable. The recently received additional information regarding the scale of the marquee does indicate that this element of the scheme would result in an unacceptable intensification of the use of the overall site and the marquee's close proximity to the building would cause harm to the setting of the hall. Also, the level of parking proposed in the grade II listed walled garden has not been demonstrated as being the viable minimum and would affect the character of the garden. We therefore recommend that the application for planning permission in its current form be refused by your authority.

Historic England would welcome discussions regarding change of use of the hall to a wedding and events venue on a more modest scale, the detailed design of which should not result in harm to the significance of the building and its setting or on the character and appearance of the Hutton Village Conservation Area.

6. Summary of Issues

The application site is located to the East of Hutton Village and Hall Green Lane and to the north of Church Lane. The site is currently occupied by a large Grade II* Listed Building and its grounds which is currently used for residential purposes. Within the grounds is a Grade II Listed walled garden. The site is located within the Hutton Village Conservation Area and is within the Green Belt.

Relevant Site History

A planning application was previously submitted for the use of the grounds of Hutton Hall for the holding of up to 6 weddings receptions per year (ref. 02/00132/FUL) which was refused on two grounds which can be summarised as; 1. Green Belt; and 2. The impact of the proposal on the amenity of the neighbouring residents.

The main issues for consideration are :-

- o Whether the proposal would be inappropriate development in the Green Belt or result in any other harm to the Green Belt
- o The effect of the proposal on the significance of heritage assets or their settings namely the Grade II* Listed Building, the Grade II Listed walled garden and the Hutton Village Conservation Area (CA) and the effect of the proposal on the character and appearance of the area.
- o The principle of the loss of a dwelling
- o The sustainability of the location for the proposed use including highway safety and parking issues
- o The effect of the proposal on the living conditions of nearby residents especially as regards to noise and disturbance
- o Archaeology, ecology and trees
- o The benefits arising from the proposal
- o The balance between any harm arising from the proposal and those benefits.

Whether the proposal would be inappropriate development in the green belt or result in any other harm to the Green Belt:

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Is the proposal inappropriate development in the Green Belt:

The Planning Statement submitted comments that it is generally accepted that the erection of a seasonal marquee and the creation of a car park is inappropriate development in case law.

Paragraphs 89 and 90 of the NPPF set out some exceptions to inappropriate development in the Green Belt, including:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- The re-use of buildings provided that the buildings are of permanent and substantial construction and provided it preserves the openness of the Green Belt and do no conflict with the purposes of including land in the Green Belt.
- Engineering operations provided they preserve the openness of the Green Belt and do no conflict with the purposes of including land in the Green Belt

In this case, the proposal seeks to re-use a permanent and substantial building; the re-use of the Listed Building at Hutton Hall; currently a dwelling as a wedding and events venue.

The proposed new car park would constitute an engineering operation; it is an activity that changes the character of the surface of the land by the laying down of hardstanding.

As such the proposed new car park and the re-use of the building would not constitute inappropriate development in the Green Belt, providing they do not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt, as discussed below.

With regard to the seasonal marquee, a marquee may not always constitute development. However, in this case, given the size of the marquee and the fact that it to be erected on site for a significant length of time each year - around 6 months a year, it is considered that the marquee hereby proposed would constitute a building operation and therefore constitutes development. Given the location of the marquee; located very close to the main building, it is considered that this part of the proposal could be considered an extension of the existing building; in the same way that case law has established that a detached garage located close to a dwelling is considered a normal domestic adjunct and can therefore also be considered an extension to a building.

In this case, the existing building of Hutton Hall is very large and it is considered that whilst the marquee is large, the marquee would not result in disproportionate additions over and above the size of the original building and does not therefore constitute inappropriate development in the Green Belt.

Openness and purposes of including land in the Green Belt:

The proposed reuse of the building in itself would not result in any material harm to the openness of the Green Belt or the purposes of including land in the Green Belt. However, the large marquee and the additional parked cars that would result from this change of use would result in some harm to the openness of the Green Belt. However, the parked vehicles would be very transient in nature and would not therefore have any permanent or material harm to the openness or purposes of including land in the Green Belt. The hardstanding required for the parking, given its nature, design and location would not materially harm the openness of the Green Belt.

However, the seasonal marquee will be in situ and used consecutively for some 6 months of each year and would therefore have a greater impact than the parked vehicles, which will move more regularly. The addendum to the planning statement submitted indicates that for the marquee to be erected, that some levelling works will be required to a depth of 75mm-100mm. A 100mm thick layer of well-compacted Type 1 will be laid before the base of the marquee - a carpeted tongue and groove timber floor resting on aluminium beams is to be laid. The floor plan submitted indicated that there will be a heater into the marquee and that there will be a PVC gutter connection between the marquee and the conservatory.

Whilst the marquee is large and will extend beyond the rear of the building, it is mainly located in very close proximity to the existing building. The marquee is also considered to be a proportionate addition to the building. As such, it is not considered that the proposal would result in significant or demonstrable harm to the openness of the Green Belt or the purposes of including land in the Green Belt. No objection is therefore raised in terms of Chapter 9 of the NPPF or Policies GB1 and GB2 of the Local Plan.

The effect of the proposal on the significance of heritage assets or their settings - namely the Grade II* Listed Building, the Grade II Listed walled garden and the Hutton Village Conservation Area (CA) and the effect of the proposal on the character and appearance of the area:

S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possess. S72(1) of this act states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Chapter 12 of the NPPF aims to conserve and enhance the historic environment, with paragraph 132 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.

The application has been submitted with a Historic Buildings Appraisal and schedule of condition reports for the house, outbuildings and walled gardens.

The Planning Statement submitted comments that the marquee would not be visible from public areas, the parking would be screened by the walled garden or landscaping and would therefore not be at odds with the character and appearance of the area.

The Heritage Statement comments that there would be some change in the setting of the Listed Building, resulting in limited harm to significance, but this will be mitigated by landscaping and that this harm must be weighed against the benefits of the proposal; including securing a viable economic future for the house and grounds which will make possible long-term maintenance and repair.

The Schedule of condition report submitted indicate that the Listed Building, walled garden and outbuildings require restoration and substantial money would be required for the necessary works, generated from the commercial use, with the Planning Statement commenting that without the marquee the income would be insufficient to fund the restoration of the Hall. The marquee and additional car parking would safeguard the heritage asset. The Historic Buildings Appraisal submitted makes comments such as the changes proposed are proportionate and will cause modest change and minor harm, but that these changes need to be balanced against the need to secure a sound economic future for the property.

As this Listed Building is Grade II* Listed, Historic England (HE) were consulted on this application. Historic England provided initial comments and then subsequent comments when amendments were made. HE originally commented that in principle, the change of use to a wedding and events venue would be a sympathetic use of the building and in principle there are no objections to the proposed alterations to the building. However, Historic England raise concerns regarding the relocation of the door in the conservatory which lacked justification and wished to see this door retained in its current position. Following these comments, an amended plan has been received which demonstrates that the conservatory door will be retained in situ.

In their initial letter, HE raised no concerns to the principle of providing parking spaces within the walled garden, but commented that concerns are raised with regard to the level of parking proposed; which requires robust justification.

HE initially concluded that the change of use to a wedding and events venue would not in principle cause harm to the significance of the Grade II* Listed Hutton Hall or its setting. No objection is raised to the majority of the external or internal alterations but further details of the specific elements of the scheme need to be resolved. The applicant has been advised of this and has been advised by the Historic England Inspector and the Council's Historic Buildings Consultant that a further Listed Buildings application for the 'phase 1' works required for this change of use, such as rewiring should be submitted prior to any such works being undertaken.

Following receipt of these initial comments from Historic England, some amendments and further information have been received, including the repositioning of the marquee to be closer to the Listed Building. Historic England has subsequently reiterated that the principle of the change of use is acceptable, and no objection is raised to the alterations to the house, such as the insertion of the door. However, Historic England commented that whilst they do not object to the provision of a marquee in principle, the scale and proposed location shown on the amended plans is wholly inappropriate as it would harm the significance of the Listed Building through the impact on its setting.

In their subsequent comments, Historic England also make it clear that whilst the walled garden could be used for car parking purposes in principle, the scale of the current proposals would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

HE also subsequently commented that the proposed works have not been adequately justified, the level of supporting information submitted with the application is inadequate, and conclude that any potential public benefits likely to accrue from the scheme have not been demonstrated in accordance with Paragraph 134 of the NPPF, nor has it been shown that the size of the marquee would be the minimum required. HE therefore recommend that planning permission is refused for this proposal and suggest that any change of use of the Hall to a wedding and events venue should be on a more modest scale, the detailed design of which should not result in harm to the significance of the building and its setting or on the character and appearance of the Hutton Village Conservation Area.

The Council's Historic Buildings Consultant (HBC) has commented that the Grade II* Listed Building and Grade II Listed walled garden are significant heritage assets which contribute positively to the Hutton Village Conservation Area. The Grade II* Listed Building is not on the Heritage at Risk Register and whilst in need of repairs and maintenance, is not currently in a state where the HBC would recommend it is included on the at risk register.

The HBC comments that the principle of using part of the Grade II* Listed Building for weddings can be acceptable, especially considering the location and relationship of the Hall to the Grade II* Listed Church of All Saints. The demolition of the 1970s garage is acceptable. The new door opening in the Listed Building is acceptable given that there may have been earlier openings here and the loss of the historic fabric is limited.

In terms of the alterations proposed to the Listed Wall, the HBC comments that there is a section of wall that has been rebuilt and insensitively jointed in part and as such this location for the opening is acceptable, subject to further details being provided and these works can be controlled via a condition. However, the HBC raises concerns about the extent of parking in the overflow area, in terms of its impact on the Conservation Area and is concerned about the level of vehicular movements in close proximity to the Listed wall. The HBC also raises concerns about the surfacing materials proposed and the indicative lighting bollards proposed. In this regard, conditions could be imposed requiring details of more appropriate lighting and hardsurfacing.

With regard to the siting of the marquee, the HBC comments that the revised position of the marquee compared to that originally submitted is not acceptable and would compromise the setting of the Listed Building, and the positioning of the marquee and its abutment to the listed building could undermine the structural stability of the conservatory. The proposal to cover the base area of the marquee with Astroturf when the marquee is removed from site is also contextually inappropriate.

Overall, the HBC raises concerns about the intensification of the use; with the proposal resulting in a significant increase in activity in and around the heritage assets in terms of comings and goings and alterations. It is considered that this proposal should be kept to what is minimally required to allow for the essential repairs and maintenance. However, it is considered that the channelling of funding has not been adequately demonstrated in this case.

Given this advice, it is considered that the proposed marquee would harm the setting of the Grade II* Listed Building and would undermine the integrity of part of the Listed Building (the conservatory) and the parking area proposed would harm the character and appearance of the Conservation Area and by virtue of its proposed scale, the parking within the walled garden would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

Where harm is identified to heritage assets, it is necessary to determine whether this harm is substantial or less than substantial.

The NPPG states that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. Significance derives not only from a heritage asset's physical presence, but also from its setting. In general terms substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a Listed Building constitutes substantial harm an important consideration would be whether the adverse impact seriously affects a key element of its special architectural historic interest.

The application indicates that the marquee will not be installed on site all year round, although it has the characteristics of a permanent structure and the vehicles parked within the car park proposed would not be in situ permanently. As such, and given that the NPPG advises that substantial harm is a high test, it is considered that this proposal would result in less than substantial harm to the heritage assets.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. Public benefits should flow from the proposed development. They should be of a nature and scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits such as sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

In terms of optimum viable use, the NPPG states that if there is only one viable use for a heritage asset, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most profitable one.

In terms of public benefits, this proposal would provide a long term use for a large part of the Listed Building and the HBC comments that the repairs to the building as part of this proposal would provide a heritage benefit. However, it has not been demonstrated that the use hereby proposed is the optimum viable use, although the use hereby proposed would also result in some economic and social benefits.

However, it is considered that these benefits could be achieved without the harm identified: the marquee could be reduced in size and/or repositioned and if the scale of the use was reduced the marquee may not be required at all and the parking provisions could potentially be reduced.

The applicant claims that the marquee is needed and the numbers of guests proposed are needed to make the development viable. However, very limited information in this regard has been submitted. A business plan has been submitted, but no independent viability assessments have been submitted, for example. It has not been clearly and robustly demonstrated in this submission that the number of guests and events, the size of the marquee and parking provisions proposed are the absolute minimum required to make this proposal viable. It has not been demonstrated that a weddings and events venue is the optimum viable use of the building. Nothing has been submitted to demonstrate that other uses that may result in less harm have been considered.

It is also noted that the HBC comments that the Listed Building is not and does not need to be placed on the 'at risk register' (i.e. the current condition of the building is, in terms of restoration relatively good and urgent repairs are not needed).

HE similarly comment that the proposed works have not been adequately justified, the level of supporting information is inadequate, and any public benefits have not been demonstrated in accordance with Paragraph 134 of the NPPF, nor has it been shown that the size of the marquee would be the minimum required.

In support of the application, the applicant has suggested that this proposal constitutes enabling development.

The Historic England document 'Enabling development and the conservation of significant places' considers the concept "enabling development" that would secure the future of a heritage asset. It states that in financial terms, the case for enabling development normally rests on there being a conservation deficit. This is when the existing value plus the development costs exceeds the value of the asset after development. Enabling development must always be justified by the inherent lack of viability of the heritage asset not the owner's inability to fund a commercially viable scheme.

In this instance, there is no indication that there is a conservation deficit; it has not clearly been identified that cost of the maintenance and repair of the asset is greater than its resulting value on the market. It has not been clearly demonstrated that this proposal constitutes the optimum viable use of the Listed Building. As such, it is considered that the proposal would not constitute "enabling development".

The principle of the loss of a dwelling

It is necessary to consider the loss of Hutton Hall as a residential unit. Policy CP1(vi) states that proposals should not result in the net loss of residential units. This proposal would result in the loss of one residential unit, contrary to this Local Plan Policy. It is considered that this Policy is in accordance with the NPPF which states that local planning authorities should boost the supply of housing significantly and should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable mixed communities.

The only justification for the loss of the residential unit provided with this application is that Hutton Hall has not been used as a residential property for a number of years and 2 flats and the property known as 'Beadles' will be retained.

However, it has also been stated that Hutton Hall was on the property market for a considerable length of time with no buyers. Whilst comments have been received from nearby residents that it was marketed for too much money, this would be unlikely to prevent serious potential purchasers considering purchasing the property or making offers. In a fairly recent appeal at The Woolpack (ref. 11/00272/FUL and APP/H1515/A/11/2159066/NWF) the Inspector concluded that she did not consider that the asking price would have necessarily deterred any serious bidders from making offers. It is also borne in mind that the dwelling is Grade II* Listed which would deter some purchasers. As such, given these circumstances and given that the other residential units are to be maintained on the wider site, on balance it is not considered that a reason for refusal on this basis could be fully justified.

The sustainability of the location for the proposed use including highway safety and parking issues

Over 100 neighbour objections have been received, many of which raise concerns in relation to parking and highway issues. This proposal has been submitted with a Transport Statement and amended Travel Plan (version 4). The proposal seeks to provide 59 parking spaces within the site. Access to the site will be via the existing, main entrance with only large vehicles allowed to exit from this access point once all the guests have arrived. All other vehicles will leave via the proposed exit, located further south - to reduce the vehicle movements close to the dwellings at the north of the site. Visibility splays of 70m will be provided which is suitable for the observed average speeds (average of 24.4mph).

In terms of Highway safety, the Transport Statement submitted comments that no personal injury accidents have been recorded during the 5 year period within the immediate vicinity of the site including Hall Green Lane, Hutton Village and Church Lane. Although the public highway is subject to a 60mph speed limit, the low vehicle speeds recorded and the lightly trafficked routes provide little risk in terms of potential highway safety issues. It is likely that the situation will not be altered by the proposed change of use, despite the intensification of trips produced by the use of the site.

In terms of sustainability, The Transport Statement outlines the public transport links in the area, including bus routes which run Monday-Sundays (bus stops are located 600m-650m walk from the site) and Shenfield Train Station which is located 2.4km away from the site. With regard to alternatives, the Transport Statement comments that the site affords reasonable accessibility for those wishing to travel to and from the venue via public transport.

In this regard, it is considered unlikely that wedding guests would utilise bus services and a taxi would be likely to be used from the Train Station to the venue, although staff could conceivably cycle from the train station, it is unlikely that wedding guests would. Guests are unlikely to walk to a wedding, especially considering that there is no footpath in the immediate area. However, it is apparent that alternative transport options would be available to people using the site if so wished. As such, whilst it is considered that the alternative public transport options may not be utilised, there are alternatives to the private car should people wish to utilise them.

In terms of sustainability, an amended Travel Plan has been submitted with this application which seeks to provide a long-term strategy to deliver sustainable transport. The Travel Plan encourages car sharing and indicates that a shuttle minibus service from Shenfield Station or local hotels could be utilised. A Travel Plan co-ordinator will be appointed prior to the occupation of the site, their role will encourage guests and staff to use alternative transport options or to car share and includes incentives such as trying to negotiate preferable rates with local guest accommodation to encourage guests to stay in the local area where more sustainable modes of transport can be prearranged, such as mini-buses.

The Transport Statement concludes that whilst the proposed number of vehicle movements would increase substantially as a result of this development, the majority of these movements would occur outside the traditional peak hours and the existing low level of traffic using the local highway network within the vicinity of the site would result in any increases in trips generated having a negligible impact on the local highway network.

The Highway Authority have commented that although the site is not in an accessible location in terms of alternatives to private car use, from a highways and transportation perspective the impact of the proposal is acceptable given the contents of the proposed Travel Plan, the existing use and accesses, the scale and nature of the proposal and the area available for parking within the site, subject to conditions. With the exception of condition 4 which is no longer required as the final Travel Plan (version 4) has now been agreed - all the other conditions are considered reasonable and necessary.

With regard to the last condition proposed; that vehicle passing places will need to be provided, the Highway Authority have confirmed that this will be at the developers cost and will be secured by either a S278 agreement or a minor works agreement between the developer and the Highway Authority. No S106 Legal agreement is therefore required. Following receipt of the Highway Authority comments, the applicant questioned the need for the passing places to be provided commenting that the passing places are unnecessary, with the resulting trips occurring outside of the traditional peak hour periods, with the trips being tidal in nature; with guests arriving and departing in the same time period which would prevent multiple vehicles attempting to pass on single track roads in the area with the vast majority of trips heading to the same direction (i.e. all arriving or all departing). It is also predicted that guests would arrive via the main roads which can accommodate two-way traffic.

The Highway Authority have subsequently commented that it is reasonable for the applicant to provide an improvement to the middle passing place location as this would offer a passing place approximately midway along the single track section. It is suggested grasscrete is utilised.

The applicant subsequently commented that the low traffic generation created by this development does not justify the need for a passing place and that this need has already been established. However, the transport statement comments that realistically this proposal will result in a large increase in trips generated by the site as a result of the change of use. As such, in this case, it is considered that this condition would be needed (a negatively worded, Grampian condition can be imposed in this regard). The applicant has subsequently indicated that they would be willing to provide for the cost of the grasscrete. Subject to such a condition, no objection is therefore raised on this basis.

As such, subject to the conditions recommended by the Highway Authority, it is considered that this proposal would provide adequate parking facilities and would not unduly harm the highway safety of the area. Whilst the site is not particularly sustainable, a Travel Plan has been submitted and it is apparent that there are other alternative transport modes and staff and guests would not be completely reliant on private vehicles, and will be encouraged to utilise alternative transport modes and to car share. As such, it is not considered that a reason for refusal on this basis could be fully justified.

The effect of the proposal on the living conditions of nearby residents especially as regards noise and disturbance

Given the nature of the proposal it is considered that the proposal would not result in any material overlooking, loss of privacy, dominance, overbearing impact or loss of light or outlook.

However, given the nature of the proposal, it is possible that this development could result in noise and disturbance to adjoining residents. A number of neighbour letters of objection received have raised concerns in this regard.

The Planning Statement comments that the marquee has been positioned to the rear of the property and can be insulated if necessary, but will only be used for dining. A separate vehicle exit has been proposed away from the adjoining dwellings to reduce noise levels. It is the intention not to have any coaches, with mini-buses and taxis promoted.

An acoustic survey was submitted during the life of the application. The subsequent survey submitted concludes that a comprehensive noise survey and analysis has been undertaken to establish baseline sound levels and includes trials of music played in the "Blue Room" and included road trips using the author's diesel car. The report concludes that with conditions, including maximum music levels, keeping all doors and windows closed, music is inaudible at the nearest receptors and there will be no adverse noise impact. Guests arriving and departing will cause only a very slight increase in daytime and night time period sound levels and neither will exceed the recommended criteria and there will be no adverse effect on the nearest receptors. The sounds of guests voices has been shown to be insignificant.

However, the report also concludes that the maximum sound levels for passing vehicles at the nearest receptors, on departing the venue, will slightly exceed the recommended criterion. However, the report comments that this is already the case with existing traffic on the public highway generally and for those leaving late night events at the Cricket Club and from previous events at Hutton Hall. It also comments that the additional movements will only occur over one 'night time' hour (23:00-00:00) when many are actually not in bed, and typically only 2 nights a week.

The acoustic survey therefore summarises that there will be no significant adverse noise effects on the nearest receptors

Following the submission of this report, the Environmental Health Officer (EHO) has provided detailed Environmental Health (EH) comments:

Noise arising from music played in the Blue Room

The EHO concludes that the investigation carried out in this regard was satisfactory and the EH department is satisfied with the results and conclusions arrived at.

However, Planning Officers do have some concerns about some of the mitigation measures required within the acoustic report. The mitigation measures include that the east facing windows which are currently sealed shut by paint is beneficial for sound containment and should be retained and that windows should be kept shut when music is played. However, this may not be favourable for the longevity of the Listed Building and there may be Building Regulation issues with these windows not being openable. However, a condition could be imposed on any grant of consent requiring these windows to be kept shut whilst amplified music is played. The report also recommends that when music is underway all doors are to be kept shut, and that the effectiveness of the main front door can be ensured by keeping weather seals intact and effective. It is considered to be very difficult to enforce a condition requiring all doors to be kept shut in this regard, as doors will inevitably be opened with people arriving and departing and undertaking activities such as going outside for a cigarette. The internal door into the blue room could not be realistically closed as people will be regularly going into and out of the blue room to fetch drinks, use the toilet, etc. Any changes to the main front door could need Listed Building Consent. It is not therefore considered that a condition could be imposed in this regard.

Noise from guests on departure

The EHO has commented that with regard to noise from guests on departure, EH is satisfied with the process of investigation and is in agreement with the results found.

Traffic Noise arriving from wedding guest's cars

In this regard, the EHO firstly recognises that when the Hall is used for reception purposes only, guests will arrive later than the times suggested in the acoustic report; e.g. 19:00 - 20:00 which could have an increased acoustic effect on nearby residents than if guests were to arrived for an earlier event. However, the EHO concludes that the noise effects to nearby residents during the arrival time would not be significant. However, at departure time, the EHO comments that the possible effect of vehicular traffic on neighbouring properties may increase:

The EHO raises some concerns about some of the assumptions made, including that guests leaving the site will use the 3 surrounding roads evenly, the assumption that many people do not go to bed until at least midnight and comments that if the activities cease at 23:00, by the time the guests actually leave, the majority of residents in the area will be in their beds trying to sleep, and the EHO comments that existing traffic flows in this locality are currently limited with the proposal significantly increasing the number of vehicles in the area. The EHO also raises concerns about the report's averaging out of the sound energy and comments that there will undoubtedly be a significant increase of relatively loud vehicular activity within a short period (approximately an hour) with relatively quiet long periods on either side of this event and the comparisons should be made by comparing the noisy event with equivalent time periods of background noise levels normally experienced in the area. The EHO comments that if the calculations were undertaken for the time 23:00 - 00:00 and then compared with the ambient noise levels, this would show a significant difference in the noise level.

The EHO therefore concludes that there will be an increase in intrusive noise to nearby properties, particularly during the late evening period between 23:00 - 00:00. However, this degree of disturbance would be dependent on the degree of use of the Hall. In this regard, Planning Officers note that a number of these weddings will be in the summer months when people will reasonably expect to use their gardens in the evening and have their windows open. It should also be noted that the Transport Statement submitted with this application indicates that realistically, this proposal will result in a large increase in trips generated by the site as a result of the change of use.

The NPPF states at Paragraph 123 that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

The NPPF also makes reference to the Explanatory Note to the Noise Policy Statement for England which comments at paragraph 2.14 that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects...there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk to direct health effects. Paragraph 2.18 states that there is a need to integrate consideration of the economic and social benefits of the activity...with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. Paragraph 2.22 states that the first aim of the Noise Policy Statement for England is to avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of the

Government policy on sustainable development, with the second aim to mitigate and minimise adverse impacts on health and quality of life.

The NPPG states that local planning authorities should consider whether or not a significant adverse effect is likely to occur, whether an adverse effect is likely to occur and whether a good standard of amenity can be achieved. This includes identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation (003):

- Significant observed adverse effect level: This is the level of noise exposure which has significant adverse effects on health and quality of life.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

The NPPG provides advice on how to recognise if noise could be a concern (005): When noise starts to cause small changes in behaviour and attitudes such as having to turn up the volume on the television or needing speak louder, the noise starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic, social benefits derived from the activity causing the noise).

The NPPG provides a table which summarises the noise exposure. In this regard, it is considered that the development hereby proposed would result in 'lowest observed adverse effects' whereby noise can be heard and causes small changes in behaviour and attitude e.g. where there is no alternative ventilation, having to close windows for some of the time (in this instance when guests are leaving the venue) because of the noise and the potential for some sleep disturbance. The development affects the acoustic character of the area such that there is a perceived change in the quality of life. The action required for such harm is to mitigate and reduce to a minimum that harm.

In terms of mitigation, Paragraph 008 of the NPPG states that there are 4 broad, general types of mitigation:

- 1. Engineering reducing the noise generated at the source/containing the noise generated.
- 2. Layout optimising the distance between the source and noise-sensitive receptors, incorporating good design to minimise noise transmission.
- 3. Using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels at different times of the day
- 4. Mitigating the affect including through noise insulation when the impact is on a building.

Care should be taken when considering mitigation to ensure envisaged measures do not make for unsatisfactory development.

In this instance, the applicant has designed the proposal as far as possible to mitigate the impact of noise and disturbance, with the parking and marquee located away from the adjoining dwellings to the north. And the internal layout/use of the rooms in the Hall have been carefully considered.

However, these mitigation measures have not overcome the observed adverse effect of the nearby residents by virtue of the vehicular movements.

Paragraph 206 of the NPPF states that conditions should only be imposed where they are:

- 1. Necessary;
- 2. Relevant to planning;
- 3. Relevant to the development to be permitted;
- 4. Enforceable;
- 5. Precise
- 6. Reasonable in all other respects.

The six tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

As alluded to above, the acoustic report recommends a number of conditions that should be attached to the blue room including that the doors should remain shut whilst music is played. Such a condition would be extremely difficult to enforce and is considered to be unreasonable. The NPPG makes it clear at Paragraph 004 that unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable.

It is also considered that there are no other planning conditions that could be imposed to mitigate the harm identified in terms of noise and disturbance to neighbours in terms of vehicular noise. Whilst conditions could potentially be imposed restricting the operating hours of the premises and the levels of use, the applicant has applied for a venue to accommodate up to 120 guests with the dancing finishing at 23:30 with all guests to be expected to leave by midnight. Imposing conditions restricting the hours of the premises and the number of guests could adversely impact the viability of the use. It would not be reasonable to restrict the hours of the wedding venue to earlier in the evening as this could completely undermine the use hereby proposed. For example, a condition restricting the operating hours to 21:00 is likely to result in an unsatisfactory wedding venue and therefore an unsatisfactory development.

It is therefore considered that the noise generated by the proposed use would cause a material change in behaviour such as residents avoiding certain activities and/or keeping windows closed for most of the time when the noise is present, which cannot be mitigated by conditions. In theses circumstances the NPPG indicates that the planning process should be used to avoid this effect occurring. This may be achieved by different design solutions or the imposition of conditions. The NPPG recognises that it is undesirable for such exposure to be caused but it goes on to indicate that decisions must be made taking account of the economic and social benefit of the activity causing the noise.

It should also be noted that there are existing residential properties within the site, including flats and the dwelling at 'Beadles' which are very close to the proposed development, but have not been considered in the acoustic report submitted. Whilst these properties are currently in the ownership of the applicant, the residential amenity of these residents also needs to be considered and these properties could be sold by the current owners.

Archaeology, ecology and trees

<u>Archaeology</u>

In terms of archaeology, the Historic Environment Officer at Essex County Council has commented that Hutton Hall is of medieval origin and would have served as the manorial centre for Hutton as well as a dwelling for the Abbey's bailiff. The Hall is located within a rectangular moat and is Grade II* Listed and the associated wall is also Listed. It is likely that there are below-ground remains within the gardens of the Hall which could be associated with earlier phases of the manorial centre. The proposed development, particularly the plans for the car parking will affect both the walled garden and any earlier activity. It is highly likely that there are remains of structures and garden features within this area and this evidence may be damaged or destroyed by the groundwork associated with the development. It is therefore recommended that a condition be attached to any grant of consent in this regard requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation. Subject to such a condition no objection is raised on this basis.

Trees and Landscaping

In terms of the impact of the proposal on trees, the Council's Tree Officer has commented that there appears to be some works proposed within the root protection areas (RPAs) and as such a condition needs to be attached to any grant of consent to protect those trees to be retained. A tree protection plan and method statement are required. Subject to such conditions no objection is therefore raised on this basis.

The Tree Officer originally raised concerns to the landscaping proposed, particularly the hedge proposed near the highway boundary. As such, an amended landscape plan has now been received, and the Tree Officer has confirmed that the landscape plan is now acceptable for the type of development and historic nature of the property. The HBC has, however, raised concerns about the willow hereby proposed. As such, it is considered that further consideration needs to be given to the landscaping proposed in this sensitive, Conservation Area location. A condition requiring further and amended landscaping information would therefore need to be attached to any grant of consent. Subject to such a condition, no objection is therefore raised on this basis.

Ecology

In terms of ecology, no ecology reports were originally submitted with the application. However, a holding objection was received from the Essex Wildlife Trust (EWT), based on the absence of any ecological surveys. The EWT commented that a phase 1 habitat survey and appropriate protected species survey reports should be submitted.

Following receipt of these comments, the applicant submitted an extended phase 1 habitat survey which concludes that the site is not situated within nor bounds any statutory designated location and that it is not considered that the proposals would have any adverse impact upon statutory or non-statutory designated locations. No trees or buildings with bat roosting potential would be lost as a result of the proposal. The local bat population would be unaffected by proposals and that commuting/foraging behaviours would continue unaffected. The low impact, solar lighting proposed would not have any adverse impact upon the bat's foraging and commuting behaviours. It is not considered likely that great crested newts or reptile species would be adversely affected by the proposal. No active or inactive badger setts were found and no evidence of badger activity was identified in the areas affected by the development. Foraging and commuting areas for badgers would remain intact and such behaviours would be likely to be unaffected by the proposals. The report concludes that subject to the guidance contained in the report, the proposal could proceed without detrimental impact on any legally protected species. Subject to the development being undertaken in accordance with the recommendations of this report, it is considered that the proposal would not result in any adverse impact to ecology. No objection is therefore raised on this basis.

Other Matters

The majority of the neighbour concerns raised have already been considered above, including, the impact on the Green Belt, Conservation Area, Listed Building, sustainability, the residential use of the Hall, the impact of the character of the area and the impact on the residential amenity of adjoining residents, including in terms of noise and disturbance. Highway impacts, highway safety and parking have also been considered. Whilst neighbours have raised concerns about the timing of the traffic survey undertaken, the Highway Authority have raised no such concerns.

In terms of concerns that the proposal is overbearing given the nature of the proposal and the location of the marquee and car park, it is considered that the proposal would not result any undue overbearing impact to the adjoining residents. In terms of concerns that the proposal would impact other peoples enjoyment of the countryside; given that the site is not currently publically accessible, it is not considered that the proposal would adversely impact other peoples enjoyment of the countryside.

The concerns raised about sewer capacity are not a material planning consideration and would be dealt with under the Building Regulations. Neighbours have raised concerns about a conflict of interest with Councillors. It is noted that Cllr Sanders's father is the applicant; however Cllr Sander's has had no involvement with this application. Members are required to declare any interests at Planning Committee and will be provided legal advice from the Council's legal representatives in this regard. Sufficient neighbour consultation was undertaken and neighbours were given adequate time to respond to the consultations. Damage to front garden verges is a civil matter and any anti-social behaviour would have to be reported to the police.

Neighbours have also raised concerns regarding the opening hours being extended. The operating hours can be controlled by planning condition in this regard. With regard to comments that the lanes are used as a 'rat-run' and that Satellite Navigation Systems already direct large vehicles down these country roads and that additional road signs and traffic calming measures are needed; such issues are beyond the remit of the local planning department and these concerns should be directed to the Highway Authority. In terms of a precedent being set by this proposal - each planning application must be considered on its own merits.

Neighbours also raise concerns about the development itself causing traffic and dust. However, any works would be transient in nature and a condition can be imposed on any grant of consent requiring a construction method statement to alleviate such issues. In terms of comments that there are existing facilities of this nature nearby and therefore this event venue is not needed, this is not a material planning consideration; the application must be considered on its planning merits. Commercial gain or profits and covenants are not material planning considerations. The potential closing/relocation of the registry office in Brentwood is not a material planning consideration.

There is no indication that solar panels are proposed as part of this development; given that the building is Grade II* Listed it is highly unlikely that solar panels would be permitted here. There is no indication or proposal to fill in the pond for parking purposes. Given the nature and scale of the proposal it is considered that the proposal will have no significant adverse flooding implications.

The benefits arising from the proposal

The planning statement submitted outlines the economic, social and environmental benefits of the proposal, including that the proposal will generate employment and help local businesses such as local hotels, will positively contribute to the social cohesion of the area, and comments that there are limited similar venues within Brentwood Borough. It is also stated that the proposal will result in new tree and shrub planting and that all works undertaken will be for the long term benefit of the local environment.

In this regard, it is considered that the main benefits in terms of economic, social and environmental benefits will be economic. It is considered that the proposal would provide some new jobs and provide some further business for local companies such as taxi companies and local hotels. There would also be some social and environmental benefits; with the Hall having the ability to support the Grade II* Church which is reportedly experiencing a decline in weddings. In terms of environmental benefits, the proposal would result in additional tree planting, however that could be undertaken without this proposal and it has been identified that the proposal would harm the residential amenity of adjoining residents which results in environmental harm.

As such the main benefits of this proposal can be summarised as; safeguarding the future of part of the Grade II* Listed Building, generating employment, and economic benefits, including aiding local businesses. The proposal also has the potential to aid the nearby Church and will result in new tree and shrub planting.

The balance between any harm arising from the proposal and those benefits

The proposal does not constitute inappropriate development in the Green Belt. However, the proposal would result in harm to the character and appearance of the Conservation Area, harms the significance of the Grade II* Listed Building and would harm the setting of the Grade II* Listed Building and that of the Grade II Listed walled garden. In each case, the harm would be material, but in terms of the Framework, it would be 'less than substantial'. The proposed development would also result in unacceptable levels of noise and disturbance to nearby residents.

The application sets out a number of matters that must be balanced against the harm identified above.

Whilst the economic benefits do weigh in favour of the application, and whilst there are some social benefits, there are also environmental and social harm as identified above (harm to heritage assets and the residential amenity of adjoining residents). Paragraph 8 of the NPPF states that the three dimensions of sustainable development should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. This is clearly not the case here; economic, social and environmental benefits are not achieved simultaneously here.

It has been identified that the proposal would materially harm the residential amenity of the nearby residents and would result in material harm to the heritage assets; this harm would be material but, in the terms of the Part 12 of the NPPF, it would be less than substantial. The NPPF indicates that any harm to heritage assets should require clear and convincing justification and "less than substantial" harm should be weighed against the public benefits of the proposal including securing its optimal viable use. On balance, it is considered that the economic and social benefits of this proposal as outlined above do not clearly outweigh the harm identified to the heritage assets and the adjoining residents. As such, the proposal is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11507

The proposed development would materially harm the designated heritage assets; the Grade II* Listed Building, the Grade II Listed walled garden and the Hutton Village Conservation Area. The proposal would materially harm the setting of the Grade II* Listed Building and Grade II Listed walled garden and would materially harm the significance of the Grade II* Listed Building and does not preserve or enhance the Conservation Area. This harm would be material, but in the terms of Chapter 12 of the National Planning Policy Framework (NPPF), this harm would be less than substantial. The public benefits of the proposal do not clearly outweigh the harm identified, contrary to Chapter 12 of the NPPF, the NPPG and Policies C14, C15, C16 and C17 of the Brentwood Replacement Local Plan 2005.

R2 U11508

The proposal would result in unacceptable, material levels of noise and disturbance to the adjoining residents. The noise generated by the proposal would cause a material change in behaviour of these nearby residents such as residents avoiding certain activities and/or keeping windows closed as a result of the proposal. The benefits of the proposal would not outweigh this material harm, contrary to the NPPF, NPPG and Policies CP1(ii) and PC4 of the Local Plan.

<u>Informative(s)</u>

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, C14, C15, C16, C17, T2, PC4, C5, C7 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

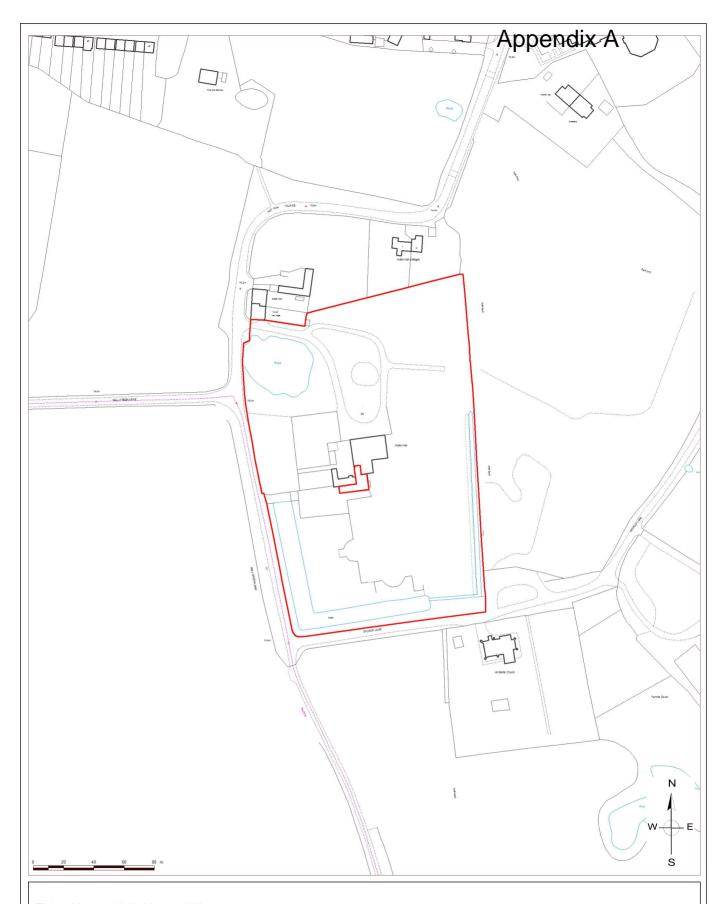
The drawing numbers listed above are relevant to this decision

3 U02679

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, 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 via pre-application in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:



Title: Hutton Hall, Hutton Village

15/00755/FUL

Scale at A4: 1:2500 Date: 1st December 2015

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



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SITE PLAN ATTACHED

05. HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX

ALTERATIONS TO THE GRADE II* LISTED BUILDING AND GRADE II LISTED WALLED GARDEN TO FACILITATE THE CHANGE OF USE OF EXISTING GRADE II* LISTED HOUSE AND GROUNDS TO A WEDDING AND EVENTS VENUE AND CONSTRUCTION OF SEASONAL MARQUEE.

APPLICATION NO: 15/00756/LBC

WARD Hutton East 8/13 WEEK DATE 12.08.2015

PARISH POLICIES NPPF NPPG C15 C17

CASE OFFICER Mrs Charlotte White 01277 312536

Drawing no(s) PLANNING STATEMENT V4;

relevant to this ADDENDUM PLANNING STATEMENT V2;

decision: BUSINESS PLAN V2; TRAVEL PLAN V6;

WATERMAN SUPPOTING STATEMENT;

NOISE ASSESSMENT; 01 SITE SURVEY; SCI; 402/01; 404/01;

CALENDAR OF EVENTS:

HISTORIC BUILDING APPRAISAL;

SOC - HUTTON HALL:

SOC - HUTTON HALL OUTBUILDINGS; SOC - HUTON HALL WALLED GARDEN;

TRANSPORT STATEMENT;

400 00; 401 00; 402 01; 100 01; 101; 102; 103;

104: 106: 107: 205:

1. Proposals

Listed Building Consent is sought for works to the Listed Buildings - the Grade II* Listed Hall and the Grade II Listed walled garden to facilitate the use of the site as a weddings and event venue.

Listed Building Consent is required for any works for the demolition of a Listed Building or its alteration or for the extension of a Listed Building which is likely to affect its character as a building of special architectural or historical interest.

The actual alterations to the Listed Buildings hereby proposed are -

- A new entrance door to the side of the Listed Building will be created, replacing a window opening and there will be internal changes with the construction of toilet facilities.
- The construction of a marquee which will be adjoined to the conservatory of the Grade II* Listed Building.
- The demolition of part of the Listed Wall to provide access to an overflow parking area and the vehicular access.

2. Policy Context

National Planning Policy

National Planning Policy Framework (NPPF) National Planning Practice Guide (NPPG)

Local Plan Policies

C15 - Listed Buildings - Demolition, Alteration or Extension C17 - Change of use of a Listed Building

3. Relevant History

 15/00755/FUL: Change of use of existing Grade II* Listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee. – pending.

4. Neighbour Responses

This LBC application has been submitted alongside a full planning application for this development (ref. 15/00755/FUL). There have been a number of objections to one or both of these applications, with a total of 113 representations received. However, most of the issues raised are not relevant to the Listed Building Consent (LBC) application. The planning issues such as residential amenity and highway concerns are not relevant to the LBC and are fully considered under the full application (ref. 15/00755/FUL). Although there are some neighbour concerns raised in relation to the impact of the proposal on the Listed Building.

5. Consultation Responses

• Historic Buildings And Conservation Officer: Significance

Hutton Hall and attached stable block; listed in 1958, Grade II* (list entry No. 1280481). Walled Garden at Hutton Hall; listed 1994 (list entry No. 1197196). The Hall dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks. It comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central lonic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. First floor, front central section reorganised as an interior conservatory/garden room. One room has inserted panelling of c1600. In the house are several C18 doors with fielded panels, also panelled walls (Sourced at Historic England 2015 – Full listing text in Appendix 1).

Hutton Hall is located centrally within the Hutton Village Conservation Area; designated in 1986 - this location has origins prior to the Doomsday Book. The site and its curtilage are highly significant and contribute positively to the Hutton Village Conservation Area. The earliest record from Heritage Gateway refers to the Medieval Moat (1066 AD) which lies within its curtilage. The Conservation Area is rural in nature with verdant boundaries framing Hutton Hall; only glimpsed views of the Grade II* listed building within its core are facilitated from a public view.

The Hall has association with the Church of All Saints to the south-east; although this Grade II* church is of an earlier period, dating from early C14th.

Proposal

Alterations to the Grade II* Listed Building and Grade II Listed walled garden to facilitate the change of use of existing Grade II* Listed house and grounds to a wedding and events venue with formation of associated car park and construction of seasonal marquee.

<u>Background</u>

Pre application advice was undertaken in respect of works to the Listed Building and Walled garden, my comments included the following:

'The long term conservation of the Hall is paramount – a schedule of repairs and works to be carried out under a LBC should be dovetailed into a future application. Refer to Historic England for further advice given the Grade II* designation'.

Discussion

The grade II* listed building and grade II listed walled garden are significant heritage assets which contribute positively to the Hutton Village Conservation Area. There is considerable record of the Hall and its location (CA) held at the Essex Record Office and on the Heritage Gateway database. The location and its historic and social significance culminated in the designation of the location as a Conservation Area in 1986.

A site visit was undertaken on 28th August with the Historic Buildings and Areas Inspector of Historic England, Sheila Stones. The Grade II* listed building is not on the Heritage at Risk Register and whilst in need of repairs and a programme of cyclical maintenance, is not currently in a state where I would recommend its inclusion in such. At the site visit in August, it was evident a soft strip of later fabric had been undertaken in the rear hall without consent; alongside plastering to ceilings in first floor chambers with gypsum plaster. The listed building owner has had advice from both myself and Historic England as to repairs which can be undertaken outside of this application and I confirm a more sympathetic approach with traditional materials including reversing the ceilings' fabric is to be undertaken. I reiterate that no further works other than those advised upon should be carried out at this listed building without Listed Building Consent.

In terms of the works necessary in respect of implementing the change of use outlined in this application; the majority of such would require Listed Building Consent separate to those proposed within this application. In terms of the works to the listed buildings set out under this application, namely Hutton Hall and The Walled Garden. I advise:

The demolition of the 1970s garage is accepted, as I stated at pre-application stage, this structure contributes little at present and is aesthetically awkward in the setting of the listed building; therefore its removal should be undertaken with caution given its abutment of the listed wall, details of brick work, jointing etc will be required.

In respect of the new opening proposed on the west elevation in place of the current window this can also be acceptable as it is clear from the site visit that there may have been an earlier opening here, the loss of historic fabric is limited and therefore acceptable in this instance. The relocation of the Conservatory door is not accepted, and the door should remain in situ as existing.

In terms of the proposed marquee, this was initially illustrated in plan form as being at an acceptable distance from the building; however details of the structure were requested during the determination of this application which illustrated its scale and positioning (revised drawings 16276 – PH.16). Having assessed these revised drawings I advise this is substantial structure albeit of a 'temporary nature', its positioning is proposed as abutting the Grade II* building which is not acceptable. I note the south lawn is well screened from the Conservation Area however the setting of the listed building would be compromised by this positioning and scale; in addition the proposed abutment could undermine the structural stability of the Conservatory overall, therefore this must be reconsidered and fully justified.

The walled garden itself is statutorily listed (see opening paragraph in the report). There is a section where the wall has been rebuilt and insensitive jointing/mortar is present in part; consequently I accept this location for opening up subject to detail should the Planning permission be granted; for the avoidance of doubt this partial demolition of the listed wall is only acceptable to facilitate the Change of Use.

My concern around the extent of the parking and the level of vehicular movement in such close proximity to the listed wall remains; this has been raised with the agent.

Recommendation:

I have no objections to the insertion of the door at the west elevation. I have no objections to the removal of the garage building subject to detailed information. In principle the partial demolition of the wall is acceptable if required to be undertaken to facilitate the long term conservation of the grade II* listed building in respect of the Change of Use. Should Planning permission not be granted there would be no justification for the partial demolition of the listed wall.

I do not accept the abutment of the Marquee upon the Grade II* listed building regardless of Use, this is inappropriate. Only the limited repair works at the Hall as advised on site by myself and Historic England can be undertaken at present. Please also refer to the Historic Buildings and Areas Inspector for advice given the Grade II* designation.

• Historic England:

Hutton Hall, which dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks and comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central lonic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a large wooden chimney piece with 17th century carved panels but c1900 framing. The house is listed at grade II* for its architectural and historical importance. I visited the house on 28 August, accompanied by your Design and Conservation Officer Paulette McAllister, when the proposals were explained in detail to us by the applicants and their agent. The applicants are seeking to convert the entire ground and first floors of the Hall into a wedding and events venue, primarily to fund the upkeep of the house. The scale of the proposed weddings would be approximately 120 guests plus a 'Top Table.' In addition, they are proposing to erect a marquee to the rear of the building, immediately adjacent to the existing conservatory, for use between April and October each year. The marquee would be screened from view in all directions by existing dense vegetation.

Historic England consider that, in principle, the proposed change of use to a wedding and events venue would be a sympathic use of the building. Also, in principle, we would have no objections to the proposed alterations to the house. The applicants are proposing to undertake works on a phased basis and whilst we discussed the entire scope of the change of use scheme, in this response I will focus on specific issues that were agreed by all parties would form part of the phase one proposals. All of these works require listed building consent. Initially we discussed the alterations at first floor level in the proposed 'Bridal Preparation Suite.' The asbestos ceiling tiles should be removed by a suitably qualified contractor as part of the first phase. The removal and replacement of the late 20th century partition at the head of the main staircase was discussed and detailed designs of its replacement should be submitted at this stage. In the bathroom and adjacent bedroom at first floor level, lime plaster ceilings have been replaced with gypsum plaster without consent following water ingress. Whilst we welcome the prompt action taken by the owners to safeguard the fabric of the building, these ceilings should be replaced with lime plaster as part of the phase one works.

At ground floor level we discussed the unauthorised 'soft strip' that has taken place, involving the removal of Formica panelling and other modern surfaces. Whilst in this instance Historic England would obviously not seek the retention of such unsympathetic fixtures, it is imperative that, in future any works, however minor, to this grade II* building should be brought to the attention of your Design and Conservation Officer who will then assess the requirement or otherwise for listed building consent. The proposals also show the relocation of the door from the conservatory to the garden. Historic England do not consider this can be adequately justified in accordance with guidance in the National Planning Policy Framework and wish to see the retention of the door in its current position.

With regards to the parking spaces proposed within the walled garden; again Historic England does not have an in principle objection. However, we are concerned that the current proposal is for 60 car parking spaces and a robust justification is required for this level of parking, in accordance with guidance in the National Planning Policy Framework.

If the issues above are satisfactorily addressed, Historic England would be in a position to recommend approval of the proposals in their entirety.

Recommendation

Historic England consider the proposed change of use to wedding and events venue would not, in principle, cause harm to the significance of the grade II* listed Hutton Hall or its setting, in accordance with guidance in the National Planning Policy Framework. We have no objections to the majority of the external and internal alterations but require details of specific elements of the scheme to be resolved to our satisfaction; thereby enabling us to be in a position to recommend approval of the listed building consent application for phase one of the development proposals in their entirety.

Additional Historic England Comments received following amended plans:

Thank you for your letter of 16 November 2015 notifying Historic England of amended plans in connection with the planning application for change of use of existing grade II* listed house and grounds to wedding and events venue with formation of associated car park and construction of seasonal marquee. My revised advice below also addresses the amended proposals.

Hutton Hall, which dates from the 17th and 18th centuries, c1900 and the 20th century is built in narrow red bricks and comprises three conjoined two-storey plus attic parallel gabled ranges with shaped brick copings. It has 18th and 19th century stacks rising from the West flank wall and between the central and East gable. The entrance hall dates from c1700 and has octagonal white stone paving with grey stone interstices, moulded joists of 18th century type but appearing to follow the 17th century joint system; and a central lonic column and a lesser column have been inserted to support the principal joists. There is 18th century panelling and a

large wooden chimney piece with 17th century carved panels but c1900 framing. The house is listed at grade II* in recognition of its architectural and historical importance and is within the Hutton Village Conservation Area.

Following a site visit on 28 August 2015 when the proposals were explained in detail by the applicants and their agent, I provided my formal response on 7 September regarding the scheme for conversion of the entire ground and first floors of the Hall into a wedding and events venue. The weddings would comprise approximately 120 guests plus a 'Top Table.' In addition, a marquee would be erected to the rear of the building immediately adjacent to the existing conservatory, for use between April and October each year. The intention would be for the marquee, which would have a footprint of approximately 16m x 9m, to be screened from view in all directions by existing dense vegetation.

Historic England consider that, in principle, the proposed change of use to a wedding and events venue would be a sympathic use of the building. Also, in principle, we would have no objections to the proposed alterations to the house. The applicants are proposing to undertake works on a phased basis and whilst the entire scope of the change of use scheme was discussed on site, my advice relates to elements that were agreed by all parties would comprise phase one of the works. All of these works require listed building consent. The alterations at first floor level in the proposed 'Bridal Preparation Suite' include the removal of asbestos ceiling tiles which must be carried out by a suitably qualified contractor. Also proposed is the removal and replacement of the late 20th century partition at the head of the main staircase, but detailed designs of its replacement have not been submitted as part of this application. In the bathroom and adjacent bedroom at first floor level, lime plaster ceilings have been replaced with gypsum plaster without consent following water ingress. Whilst we welcomed the prompt action taken by the owners to safeguard the fabric of the building, these ceilings should now be replaced with lime plaster. At ground floor level, we would have no objection to the insertion of a door in the west elevation.

Whilst we do not object to the proposal for a marquee in principle, we consider the scale and proposed location, shown on the amended drawings to be immediately adjacent to the conservatory, would be wholly inappropriate as it would harm the significance of the listed building through the impact on its setting.

Regarding the proposed use of the grade II listed walled garden for car parking purposes; again Historic England do not have an in principle objection. However, the scale of the current proposals, at 60 car parking spaces, would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

The proposals as currently submitted would be contrary to guidance in the National Planning Policy Framework as the works to the hall itself have not been adequately justified; the scale of the marquee would cause harm to the significance of the hall as a result of the impact on its setting and the level of parking proposed in the walled garden would cause harm to its significance as a result of the level of change in its character.

Historic England considers the level of supporting information submitted with the application to be inadequate. Any potential public benefits likely to accrue from the scheme have not been demonstrated in accordance with paragraph 134 of the National Planning Policy Framework, nor has it be shown that the size of the marquee and the number of parking spaces within the grade II listed walled garden would be the minimum required.

Recommendation

Historic England consider the proposed change of use to wedding and events venue to be a sympathetic re-use which, in principle, would not cause harm to the significance of the grade II* listed Hutton Hall. However, due to the absence of adequate supporting information it has not been demonstrated that the scale of the marquee and the extent of the parking provision would be the minimum required to be financially viable. The recently received additional information regarding the scale of the marquee does indicate that this element of the scheme would result in an unacceptable intensification of the use of the overall site and the marquee's close proximity to the building would cause harm to the setting of the hall. Also, the level of parking proposed in the grade II listed walled garden has not been demonstrated as being the viable minimum and would affect the character of the garden. We therefore recommend that the application for planning permission in its current form be refused by your authority.

Historic England would welcome discussions regarding change of use of the hall to a wedding and events venue on a more modest scale, the detailed design of which should not result in harm to the significance of the building and its setting or on the character and appearance of the Hutton Village Conservation Area.

6. Summary of Issues

The application site is located to the East of Hutton Village and Hall Green Lane and to the north of Church Lane. The site is currently occupied by a large Grade II* Listed Building and its grounds which is currently used for residential purposes. Within the grounds is a Grade II Listed walled garden. The site is located within the Hutton Village Conservation Area and is within the Green Belt.

As this proposal is for Listed Building Consent, the only matter for consideration here is the impact of the proposal on the Listed Buildings:

S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possess.

Chapter 12 of the NPPF aims to conserve and enhance the historic environment, with paragraph 132 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.

As this Listed Building is Grade II* Listed, Historic England (HE) were consulted on this application. Historic England have commented that in principle, the change of use to a wedding and events venue would be a sympathetic use of the building and in principle there are no objections to the proposed alterations to the building. However, Historic England did raise concerns regarding the relocation of the door in the conservatory which lacked justification and wished to see this door retained in its current position. Following these comments, an amended plan has been received which demonstrates that the conservatory door will be retained in situ.

Historic England raised no concerns to the principle of providing parking spaces within the walled garden, but commented that concerns are raised with regard to the level of parking proposed; which requires robust justification.

Historic England conclude that the change of use to a wedding and events venue would not in principle cause harm to the significance of the Grade II* Listed Hutton Hall or its setting. No objection is raised to the majority of the external or internal alterations but further details of the specific elements of the scheme need to be resolved. The applicant has been advised of this and has been advised by the Historic England Inspector and the Council's Historic Buildings Consultant that a further Listed Buildings application for the 'phase 1' works required for this change of use, such as rewiring should be submitted prior to any such works being undertaken.

Following receipt of these initial comments from Historic England, some amendments and further information has been received from the applicant, including the repositioning of the marquee to be closer to the Listed Building. Historic England has subsequently reiterated that the principle of the change of use is acceptable, and no objection is raised to the alterations to the house, such as the insertion of the door. However, Historic England subsequently commented that whilst they do not object to the provision of a marquee in principle, the scale and proposed location shown on the amended plans is wholly inappropriate as it would harm the significance of the Listed Building through the impact on its setting.

In their subsequent comments, Historic England also make it clear that whilst the walled garden could be used for car parking purposes in principle, the scale of the current proposals would result in an unacceptable level of harm to the significance of the garden as a result of its fundamental change in character.

HE also subsequently commented that the proposed works have not been adequately justified, the level of supporting information submitted with the application is inadequate, and conclude that any potential public benefits likely to accrue from the scheme have not been demonstrated in accordance with Paragraph 134 of the NPPF, nor has it been shown that the size of the marquee would be the minimum required. HE therefore recommend that planning permission is refused for this proposal and suggest that any change of use of the Hall to a wedding and events venue should be on a more modest scale, the detailed design of which should not result in harm to the significance of the building and its setting or on the character and appearance of the Hutton Village Conservation Area.

The Council's Historic Buildings Consultant (HBC) has commented that the Grade II* Listed Building and Grade II Listed walled garden are significant heritage assets.

The HBC has commented that the demolition of the 1970s garage is acceptable, however, given its location close to the Listed wall, its removal needs to be undertaken with caution. As this garage is a detached modern building its removal does not require LBC.

The HBC comments that the new door opening in the Listed Building is acceptable given that there may have been earlier openings here and the loss of the historic fabric is limited.

The HBC comments that the relocation of the conservatory door is unacceptable, however, the plans have now been amended in this regard and this part of the proposal is no longer proposed.

In terms of the alterations proposed to the Listed Wall, the HBC comments that there is a section of wall that has been rebuilt and insensitively jointed in part and as such this location for the opening is acceptable, subject to further details being provided (can be controlled via a condition). However, the HBC makes it clear that this partial demolition of the listed wall would only be acceptable to facilitate the change of use. The partial demolition of the wall is only acceptable if required to be undertaken to facilitate the long term conservation of the Grade II* Listed Building. As such, a condition can be imposed on any grant of consent restricting the demolition of this part of the Listed wall until the works to the Listed Building to facilitate the change of use of the Listed Building have commenced. Subject to such a condition no objection is raised on this basis.

With regard to the marquee, the HBC comments that its position and abutment to the Listed Building is not acceptable. The abutment proposed could undermine the structural stability of the conservatory overall. As such, it is considered that the proposal to attach the marquee to the Listed Building would be unacceptable and would result in material harm to the Listed Building. The siting of the marquee would also materially harm the setting of the Listed Building.

Where harm is identified to heritage assets, it is necessary to determine whether this harm is substantial or less than substantial.

The NPPG states that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. Significance derives not only from a heritage asset's physical presence, but also from its setting. In general terms substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a Listed Building constitutes substantial harm an important consideration would be whether the adverse impact seriously affects a key element of its special architectural historic interest.

The proposed marquee will not be installed on site all year round and would harm the conservatory at the Listed Building, and would adversely affect the setting of the Listed Building. As such, and given that the NPPG advises that substantial harm is a high test, it is considered that this proposal would result in less than substantial harm to the heritage assets.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In terms of public benefits, this proposal would provide a long term use for a large part of the Listed Building and the HBC comments that the repairs to the building as part of this proposal would provide a heritage benefit. However, it has not been demonstrated that the use hereby proposed is the optimum viable use, however, the use hereby proposed would also result in some economic and social benefits.

However, it is considered that these benefits could be achieved without the harm identified: the marquee could be repositioned and separated from the Listed Building and repositioned to reduce the harm on the setting of the Listed Building and the level of parking could be reduced.

The applicant claims that the marquee is needed and the numbers of guests proposed are needed to make the development viable. However, very limited information in this regard has been submitted. A business plan has been submitted, but no independent viability assessments have been submitted, for example. It has not been clearly and robustly demonstrated in this submission that the number of guests and events, the size of the marquee and parking provisions proposed are

the absolute minimum required to make this proposal viable. It has not been demonstrated that a weddings and events venue is the optimum viable use of the building. Nothing has been submitted to demonstrate that other uses that may result in less harm have been considered.

HE similarly comment that the proposed works have not been adequately justified, the level of supporting information is inadequate, and any public benefits have not been demonstrated in accordance with Paragraph 134 of the NPPF, nor has it been shown that the size of the marquee would be the minimum required.

The marquee and parking do not constitute enabling development, as suggested by the applicant.

As such, it is considered that the proposed marquee would materially harm the designated heritage asset; the Grade II* Listed Hall and its setting and the setting of the Grade II Listed walled garden. This harm would be material, but in the terms of Chapter 12 of the National Planning Policy Framework (NPPF), this harm would be less than substantial. However, the public benefits of the proposal do not clearly outweigh the harm identified, contrary to Chapter 12 of the NPPF, the NPPG and Policies C15 and C17 of the Local Plan.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11519

The proposed marquee, given its position and abutment to the Listed Building would materially harm the designated heritage asset; it would materially harm the significance of the Listed Building and the setting of the Grade II* Listed Building and the level of parking proposed would materially harm the setting of the Grade II Listed walled garden. This harm would be material, but in the terms of Chapter 12 of the National Planning Policy Framework (NPPF), this harm would be less than substantial. However, the public benefits of the proposal do not clearly outweigh the harm identified, contrary to Chapter 12 of the National Planning Policy Framework (NPPF), the National Planning Policy Guidance (NPPG) and Policies C15 and C17 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: C15, C17 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

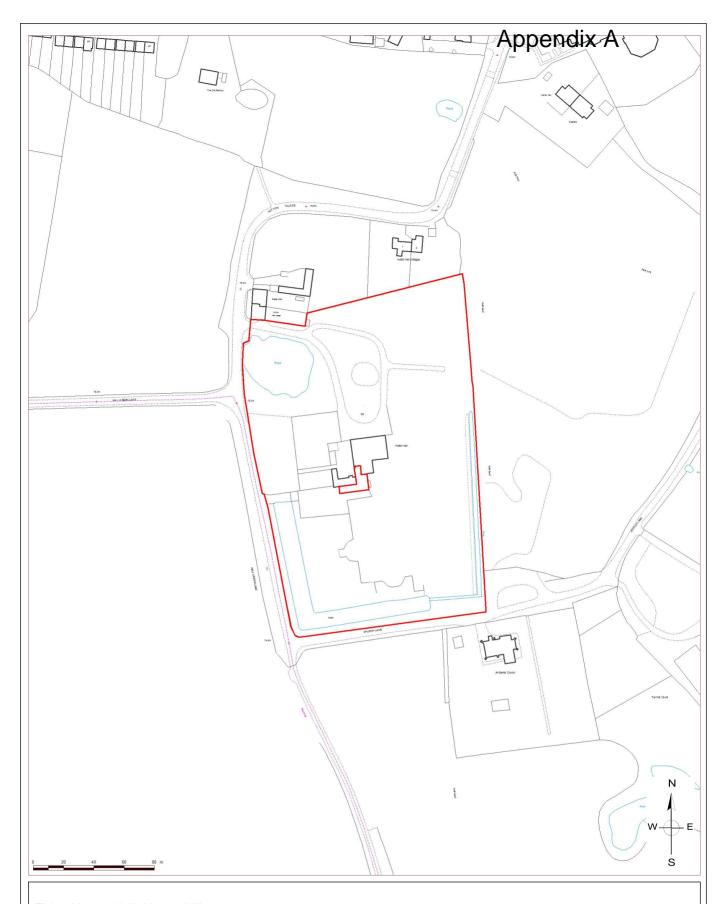
The drawing numbers listed above are relevant to this decision

3 U02681

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, 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 via pre-application in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:



Title: Hutton Hall, Hutton Village

15/00756/LBC

Scale at A4: 1:2500 Date: 1st December 2015 Brentwood Borough Council Town Hall, Ingrave Road Brentwood, CM15 8AY Tel.: (01277) 312500

BRENTWOOD BOROUGH COUNCIL

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SITE PLAN ATTACHED

06. LAND FORMERLY KNOWN AS NV TOOLS ST JAMES ROAD BRENTWOOD ESSEX

REDEVELOPMENT FOR 45 FLATS, LANDSCAPED AMENITY DECK AND ASSOCIATED CAR PARKING.

APPLICATION NO: 15/01084/FUL

WARD	Brentwood West	8/13 WEEK DATE	25.11.2015
PARISH		POLICIES	NPPF NPPG CP1 CP2 CP3 CP4 H6 H8 H15 E2 T3 T4 T5 T7 LT5

CASE OFFICER Caroline McCaffrey 01277 312603

Drawing no(s)
relevant to this decision:

1284-113 /P6; 1284-120 /P3; 1284:050 P1; 1284:051 P1;
1248:100 P6; 1248:101 P6; 1248:102 P6; 1248:103 P6;
1248:104 P4; 1248:105 P3; 1248:106 P3; 1248:107 P3;
1248:110 P4; 1248:111 P4; 1248:112 P5; 1248:114 P4;
1248:123 P2; 1248:124 P1; DESIGN & ACCESS STATEMENT updated 06.11.15;

1. Proposals

Introduction

This application has been submitted following the refusal of permission for a similarly described development on 20 August 2015 under reference 15/00142/FUL. In most respects this proposal is the same as that the subject of the refusal; however it has been amended in two key respects to address the reasons for refusal.

The two reasons for refusal of application ref 15/00142/FUL were:-

1) The site is within an area that is already subject to a high demand of on-street parking. The proposed density of the development would be likely to result in further pressure on the surrounding road network and have an adverse impact on road safety and the ability of emergency vehicles to access other properties within the vicinity of the site, in particular St James Road. The proposed development would

therefore not comply with the National Planning Policy Framework (paragraph 17) Policy CP1 (criteria iv and v).

And

2) The flank elevation positioned adjoining Brunel House would be likely to give rise to unacceptable overshadowing of the neighbouring properties within the upper floors of that building, resulting in harm to the amenity of those occupiers. This would be in conflict with the aims and objectives of the principles of the National Planning Policy Framework and Policy CP1 (ii) of the Brentwood Replacement Local Plan.

This report sets out a description of the proposal identifying the differences between this proposal and the refusal and then focuses on the effects of those changes. For the Committee's convenience and to avoid duplication a copy of the report relating to the previous application is appended to this report. Unless otherwise indicated in this report officer views remain as expressed in the original report.

The application site comprises a roughly rectangular area of land at the junction between St James Road and Station Road. The site was cleared many years ago in anticipation of the redevelopment of the former NV Tools site. Brunel House, a residential development to the west, forms part of that redevelopment and the main body of the current application site would complete the development. The land falls from St James Road towards the railway land to the south. The application site is separated from the railway car park by the industrial units in Kings Eight. The site lies on the edge of the commercial area around the station with premises to the east and south being in business use with those to the north and west being residential. The application site includes a narrow strip of land north of the railway west of Warley Hill.

Permission is sought to develop the land for residential flats. 27 two bedroom and 18 one bedroom flats are proposed to be built over six floors. It is indicated that 16 units (35%) would be affordable housing with the tenure split to be agreed with the Council and the preferred Registered Social Landlord (RSL). The application indicates that ten would be "affordable" with a further six being "intermediate".

The proposal includes 34 on-site car parking spaces on two levels with access being gained to the upper level from St James Road and the lower level from Station Road. This compares with 27 in the refused application. The extra spaces would be created by increasing the area of the lower ground floor by additional excavation towards St James Road and re-arranging the plant rooms. Six spaces are proposed to be allocated disabled spaces. As before 50 cycle parking spaces and 5 motor cycle spaces are identified within the parking areas. The application indicates that an additional 12 car parking spaces will be available at the station car park through the provision of permits secured through a planning obligation.

The main entrance to the building is proposed at the apex of the junction where an entrance hall would provide access to the staircase and lift to upper floors. Two flats are proposed at ground floor level one of which would be fully accessible with level access directly from St James Road. The first and second floors would each accommodate 10 flats including 5 affordable units (3 one-bed and 2 two-bed) with a further 10 flats on the 4th floor. The 5th floor would have three flats within the tallest part of the building nearest to the junction. The "intermediate" flats are indicated to be provided on the 1st, 2nd and 3rd floors - two on each floor.

Amenity space is proposed in the form of balconies (12 units at the rear on 2nd, 3rd and 4th floors), terraces (for the three 5th floor units) and communal amenity decks (714 sq m in total) at roof level and above part of the basement car park.

It is proposed that the walls would be mainly finished in yellow facing brick and white render to match the existing adjacent development with feature dark blue "Hardie Plank" cladding panels on the chamfered corner as the building turns the corner at the junction. The entrance area would be fully glazed.

As compared with the previous proposal the design of the St James Road elevation has been modified where the building abuts Brunel House. To the west of the corner this north-facing elevation steps forward in small increments towards Brunel House. In the previous proposal the front wall of the building was 0.7m in front of the main front wall of Brunel House. As now proposed the western end of the front wall would step back to be in line with the front of Brunel House with the full depth of the building being off-set 0.75m from the boundary between the buildings.

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.

The site has an 'Employment - Office' allocation in the Replacement Local Plan (RLP). The following RLP policies are of relevance when considering this application:-

- o CP1 General development criteria
- o CP2 New development and sustainable transport choices
- o CP3 Transport Assessments
- o CP4 The provision of infrastructure and community facilities
- o H6 Small unit accommodation
- o H8 Affordable housing larger sites
- o H15 Housing densities
- o E2 Areas allocated for Office purposes
- o T3 Travel Plans
- o T4 New development and highway considerations
- o T5 Traffic management
- o T7 Parking (general)
- o T16 Cycling
- o T17 Pedestrian facilities
- o LT5 Provision of open space in new developments

3. Relevant History

Overview

The application site has been the subject of a number of proposals for business and mixed use development accommodated within buildings of a similar scale to that now proposed.

The site forms part of a larger site (including the now developed Brunel House). That site was the subject of a number of applications but the most relevant to this proposal was planning permission ref BRW/989/2005. The permission was for a four and five storey building containing 81 residential flats and a six storey office building together with associated parking. The residential part of that development has been built (Brunel House) but the employment element was not commenced.

The permission included a condition (condition 10) requiring the completion of the office accommodation within a fixed time period. Applications have been submitted to extend that period and permission was most recently granted in March 2014 allowing three years from that date to complete the building.

In 2011 an application (ref 11/01195/FUL) was submitted on the current application site for a mixed use development comprising 24 Residential Units, 1270 sq m of B1 office space, 547 sq m of A1 retail space and 115 sq m of D1 creche space, together with associated car parking (comprising 61 spaces) and vehicular access from Station Approach. That application was approved on 3 September 2013. The permission established the principle of residential development on this site but there remained an element of employment uses.

The most relevant proposals are:-

BRW/989/2005 - mixed use development comprising four and five storey building containing 81 residential flats, a six storey office building (2,995sq.m. net internal floor area), together with associated car parking (comprising 59 office and 43 residential car parking spaces) and vehicular access from St James Road and Station Approach - approved subject to conditions and following completion of S106 Agreement.

BRW/149/2009 - variation of condition 10 of planning permission BRW/989/2005 to extend the period for the completion of the office building from 18 months to 48 months from the occupation of the first residential flat (December 2007) – Approved.

BRW/384/2010 - proposed 71no. dwellings (32no. one bedroom flats and 39no. two bedroom flats) and associated vehicular access from St James Road, car park, cycle store and bin store. Refused.

BRW/1/2011 - variation of condition 10 of planning permission reference BRW/ 989/2005 in order to extend the period for the completion of the office building. Approved subject to the office building being completed within 36 months.

11/01195/FUL - Mixed use development comprising 24 Residential Units, 1270 sq m of B1 office space, 547 sq m of A1 retail space and 115 sq m of D1 creche space, together with associated car parking (comprising 61 spaces) and vehicular access from Station Approach. Approved.

15/00142/FUL – Redevelopment for 45 flats, landscaped amenity deck, and associated car parking. Refused 20 August 2015 for the reasons set out above.

4. Neighbour Responses

21 letters of objection in total (from 11 individuals):-

Councillor Ms Karen Chilvers. This development was originally meant to be an office block as part of Brunel House and these attempts to keep adding more and more residential in this area is not responsible. There is not enough parking in this area to support this development and this will add about another 100 residents to an area that is already over developed and over-populated.

Letters from 4 occupiers of Brunel House (flats) and occupiers from Damon House, Radcliffe House, Kings and Chase Road.

Parking in St James Road is already over crowded and the photos in the application do not truly represent the situation. Often public services struggle to drive down the road. The application is for 45 units with only 33 Car Parking spaces, the social housing will still require parking spaces. I note that there are 50 cycle spaces proposed however, these won't relieve the car parking strains. Realistically very few residents end up using the racks due to theft. The building will over look and shadow Brunel House blocking out further light. This space could be put to better use as local children have no close and safe areas to play. We are regularly experiencing power issues and I fear the infrastructure servicing the road cannot cope with further demands. It would turn what used to be a lovely road to live in, into quite an unpleasant living experience.

If the proposed property was the same height and profile of the adjoining property (Brunel House) I would not consider this an overdevelopment. The flank elevation positioned adjoining Brunel House would be likely to give rise to unacceptable overshadowing of the neighbouring properties within the upper floors of the building. This will reduce the quality of lives of residents.

Proposal would have 28 parking spaces for residents and 6 disabled spaces. It is unreasonable for it to be presumed that it is acceptable for only 28 out of 45 flats (62%) to have a dedicated parking space, simply because the preceding overdevelopment was allowed to; this misjudgment by the planning committee cannot be allowed to continue as a 'precedent' for the area. Visitors, for example visiting nurses and health care practitioners, need to park their car. There is no prevision for this in the submitted plan. Parking is already very difficult/atrocious and the proposal will make things worse. With additional cars trying to park in St James Road, emergency vehicles will struggle to access emergencies. A photograph shows two fire engines unable to proceed due to parked cars. It is not uncommon for emergency vehicles to have to sound their horn and wait for 5+ residents to move their cars, wasting valuable time before proceeding. I sincerely hope no one dies because of these unacceptable delays in getting help to them. More cars from this application would just exacerbate the issue. The access is where HGVs stop to deliver. More traffic will make deliveries harder. There are already too many flats and not enough parking which is causing trouble.

Considering the very small development area and no adjacent land area to house construction materials and machinery, has consideration been given to the neighbourhood during the building phase and the impact it will have? Also, have considerations been made for any access to the railway car park for ongoing Cross Rail building activities.

The additional anti-social impact additional development will bring to the area concerns us. For example, the attempted arson attack on Brunel House. After previous refusals why doesn't the developer listen to residents.

5. Consultation Responses

Highway Authority:

Given the extant consent for 24 residential units, 1,270sqm of B1 Office space, 547sqm of A1 Retail space, 115sqm of D1 Creche space and 61 associated car parking spaces, and considering the Highway Authority's position on previous application number BRW/15/00142/FUL, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Anglian Water Services Ltd:

We have recently been consulted on the above planning application, and upon review Anglian Water found that we do not own the sewers in the vicinity of the development. These are owned by Thames Water and you will need to liaise with them.

Design Officer:

Taking account of previous permissions. No objection.

Thames Water Development Planning:

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6. Summary of Issues

Principle of residential development

See previous report Appendix 1. In summary:-

Taking account of the marketing evidence and the assessment by Glenny it is considered unlikely that the site would be developed in the foreseeable future to include employment uses. In the context of the current shortfall in housing land the dwellings arising from this proposal, including 16 affordable units, are of significant benefit.

The proposal would conflict with RLP Policy E2; however in the light of Paragraph 14 of the National Planning Policy Framework the principle of the development must be determined in the context of the Framework as a whole. It is considered that the benefits arising from the additional housing would not be significantly outweighed by any adverse effect of not developing the site for employment purposes and therefore, in principle, residential development is acceptable.

Density of development and housing mix

No change from previous report.

Character and appearance

See previous report. The only difference between the proposal and the previous scheme is the change to the corner of the building next to Brunel House. This does not detract from the overall design and appearance of the building which is appropriate for this location.

Living conditions of nearby residents

General - see previous report.

The top floor of Brunel House in the St James Road elevation is set back from the main front wall and the top floor flats have a narrow terrace/balcony. The relationship between the projecting flank wall of the previous proposal and the adjacent flats in Brunel House was the subject of the second reason for refusal. In that proposal the flank wall was 0.7m in front of that of Brunel House.

As a result of the set back of the corner of the building the subject of the current application its front wall, where it joins Brunel house, would be in line with that of Brunel House. However as a consequence of the set back of the top floor of Brunel House the flank wall of the proposed building would extend to the full depth of the front terrace/balcony of the adjacent top floor flat.

As now proposed the wall would be a dominant presence alongside the top floor balcony; however it would be reduced in depth by 0.7m as compared with the previously refused proposal and would not be as high or as deep as that previously permitted. The off set of about 0.75m to the projecting bay of the proposal would result in it having a reduced effect on Brunel House.

Taking account of the extant permissions it is considered that the proposal would not unacceptably detract from the living conditions of the occupiers of Brunel House. It would therefore be consistent with RLP Policy CP1 and with one of the core principles of the Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of buildings.

Living conditions of occupiers of the proposal

See previous report. The set back of the north west corner of the building would reduce the size of the lounge areas of the five corner flats by about 0.5sq m. This would have no material effect on those units.

Highways issues and parking

The second difference between the previous refused application and this proposal concerns parking provision.

As indicated above the proposal makes provision, within the building, for 34 parking spaces (including 6 disabled). Secure space for 50 cycles is also proposed within the building along with 5 motorcycle spaces. This is an increase of 7 car parking spaces as compared with the previous scheme. In addition (and in common with the previous proposal) 12 off-site parking spaces would be made available through the purchase of parking permits to enable parking at the nearby station car park. (Note the reference to 18 spaces in the previous report is an error).

The highways authority raises no objection to the proposal as regards its effect on traffic or parking.

As indicated in the previous report parking standards for residential developments of this type require the provision of a minimum of 72 spaces plus 11 further spaces for visitors. However, the standards indicate that reductions may be considered if the development is within an urban area that has good links to frequent and extensive public transport with easy access to employment and local shops and services. The appeal site has extremely high accessibility to sustainable transport and local facilities and it is therefore considered that it would be unreasonable to insist on the full standard.

Taking account of the nature of the units and their highly accessible location it is considered that it would be reasonable to base the assessment of parking on one space per unit; which would result in a deficit of 11 on-site spaces. However this would be mitigated by the proposed 12 off-site spaces. The provision of parking for cycles and powered two wheelers is in accordance with the adopted standards.

Residents have raised concern about access into the area by emergency vehicles and in the determination of previous proposals consideration has been given to Traffic Regulation Orders (TROs) being employed to extend the existing double yellow lines to restrict on-street parking in St James Road.

This matter has been specifically raised with the highways authority who indicate that there is not a requirement for an additional TRO on St James Road. The authority indicates that this option has previously been explored and met with objections from local residents. It goes on to comment that the highway authority is satisfied that parked vehicles are unlikely to cause an obstruction to fire tenders on St James Road. Furthermore, the proposed development's site access on the south side of St James Road is likely to prevent the possibility of parked cars causing an obstruction on that side of the road. It points out that in the event of any obstruction of the highway the Police have the authority to remove that obstruction and that in the case of any emergency, there is an alternative route via Kings Chase and Chase Road to access the Wharf Road and Rollason Way area.

Conclusion on highways and parking

Paragraph 39 of the Framework indicates that if setting local parking standards local planning authorities should take account of a number of factors including the accessibility of the development, the availability of and opportunities for public transport and local car ownership levels. On 25 March 2015 the Secretary of State for Communities and Local Government indicated that paragraph 39 should be read in conjunction with the following text:- "Local planning authorities should only impose local parking standards where there is a clear and compelling justification that it is necessary to manage their local road network". The preamble to that text referred to issues arising from the use of maximum standards and indicated that the market is best placed to decide if additional parking spaces are to be provided. However those comments do not appear in the Framework text.

It is considered that there is a compelling justification for the requirement to provide off-street parking in this location and local parking standards are therefore necessary. The issue for determination is the amount and method of provision of parking in this highly accessible urban area where the standard allows for flexibility.

The management of the road network is a matter for the Highways Authority and in this case that authority raises no objection to the proposal. It is therefore considered that, taking account of all factors, the parking measures proposed (including off-site provision) are acceptable.

Public open space

See previous report

Other considerations

Archaeology, Waste management, Energy usage,

See previous report

Conclusion

As a consequence of the shortfall of identified housing land the proposal must be judged against the policies within the Framework. The proposed dwellings would be well designed and in a highly sustainable location. The standard of accommodation would be acceptable and the proposal would not unduly affect the amenities of nearby residents. The proposal would make a significant contribution to housing and affordable housing in the Borough. The development of the site would result in considerable investment which would boost the local economy. For all of these reasons the proposal would accord with the social, economic and environmental dimensions of sustainable development.

Paragraph 14 of the framework indicates that, unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, sustainable development should be granted permission. Whilst in a number of respects the proposal does not satisfy the adopted local policies and guidelines it is considered that those deficiencies would not significantly outweigh the benefits and that permission should be granted.

The permission should be subject to the conditions set out below and a planning agreement in respect of:- a) the provision of 16 affordable residential units, b) the provision of 12 parking permits in the nearby railway car park.

7. Recommendation

The Application be APPROVED subject to completion of a Section 106 Agreement and 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 U11451

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: Taking account of the character of the area including nearby residential and business uses the method of carrying out the development is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful to the living conditions of nearby residents, the safety and convenience of highway users and the character and appearance of the area during the construction period. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

3 U11452

No development above ground level shall take place until details and samples, where necessary, of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The details submitted shall include:-

- o drawings showing details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate.
- o a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority
- o a sample panel of 1 square metre minimum shall be erected on site to show areas of new exterior walling, this panel shall indicate: brick bond, copings, mortar mix, colour and pointing profile

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

Reason: In order to safeguard the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

4 U11453

Prior to occupation of the proposed development, the first occupiers of each of the flats hereby permitted shall be provided with a Residential Travel Information Pack for sustainable transport, with information covering local public transport travel and including six one day travel vouchers for use with the relevant local public transport operator, within one month of their occupation of their dwelling. Details of the Residential Travel Information Pack shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings hereby permitted.

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

Prior to occupation of any flat the vehicle parking area, including the provision of car, motor cycle and bicycle parking facilities, shall be completed as indicated on the approved drawings. The vehicle parking area shall thereafter be retained in this form and shall not be used for any purpose other than the parking of vehicles associated with the residential occupation of the building.

Reason: To ensure that appropriate parking is provided in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005 in the interests of highway safety and the encouragement of the use of sustainable methods of transport.

6 U11455

No development above ground level shall take place until details of the two amenity decks have been submitted to and approved in writing by the local planning authority. Those details shall include the layout, surface treatment, planting arrangements and any seating or other fixtures. The decks shall be laid out as approved prior to the first occupation of any flat and shall thereafter be retained as approved for use by the occupiers of the flats.

Reason - To ensure the provision of amenity space for the occupiers of the flats in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

7 U11456

No development above ground level shall take place until a landscaping scheme to include details of all surfacing materials, measures to support climbing plants and specification of plant species on the three road frontages of the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or climbing plant 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 the interests of the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

The building hereby permitted shall be equipped with a communal TV and radio aerial and satellite dish prior to the first beneficial use. Details of the size, external appearance and the position shall be previously submitted to and agreed in writing with the Local Planning Authority prior to the installation of such systems. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no other satellite dishes or aerials shall be fixed to the building hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

9 U11458

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

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

10 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.

11U11459

Development shall not commence until a drainage strategy detailing any on-site and/or off-site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. It is essential that the measures are submitted and approved before commencement because the drainage measures are likely to be implemented at the outset of the development.

Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the surface water discharge from the site is not detrimental to the existing sewerage system or highway safety. It is essential that the measures are submitted and approved before commencement because the drainage measures are likely to be implemented at the outset of the development.

13U11461

Prior to occupation of the development, the east facing vehicular access as shown in Drawing no 1284:112 rev P5 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 4.8m, shall be retained at that width for 10m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Headroom at the vehicle entrance and within the parking area shall be a minimum of 2.1m

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.

14 U11462

d) Prior to occupation of the development, the north facing vehicular access as shown in Drawing no 1284:113 rev P5 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 5.1m, shall be retained at that width for 20m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Headroom at the vehicle entrance and within the parking area shall be a minimum of 2.1m.

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.

Informative(s)

1 U02670

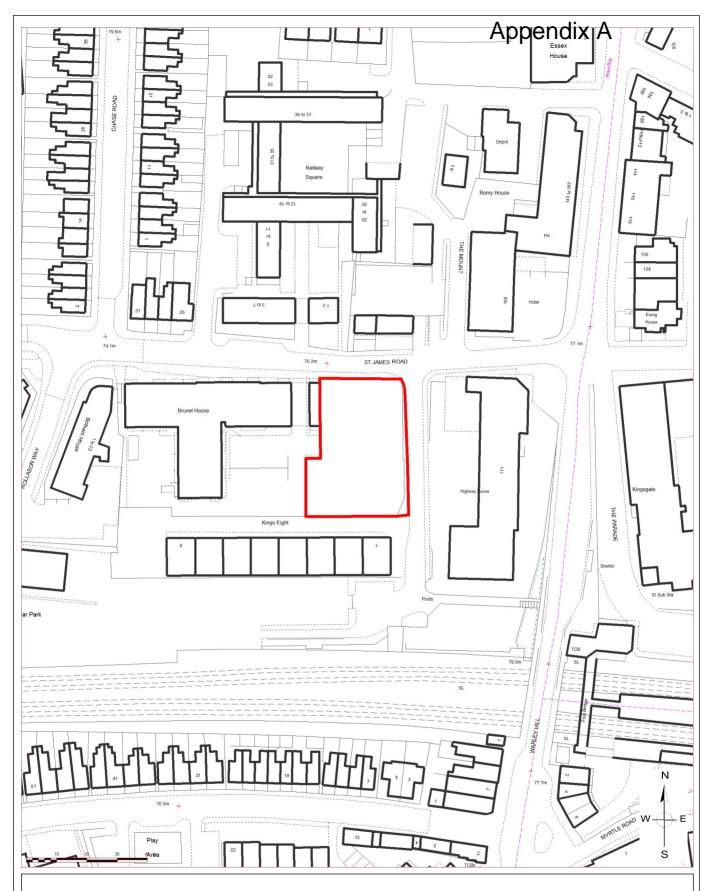
The drawing numbers listed above are relevant to this decision.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the reasons for refusal and discussing those with the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development, which may lead to the submission of a more acceptable proposal in the future.

BACKGROUND DOCUMENTS

DECIDED:





Title: Land formerly known as NV Tools, St James Road

15/01084/FUL

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

Scale at A4: 1:1250 Date: 1st December 2015

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Agenda Item 11 Appendix B

SITE PLAN ATTACHED

11. LAND FORMERLY KNOWN AS NV TOOLS ST JAMES ROAD BRENTWOOD ESSEX

REDEVELOPMENT FOR 45 FLATS, LANDSCAPED AMENITY DECK, AND ASSOCIATED CAR PARKING.

APPLICATION NO: 15/00142/FUL

WARD Brentwood West 8/13 WEEK DATE 18.05.2015

NPPF NPPG CP1

PARISH POLICIES CP2 CP3 CP4 H6
H8 H15 E2 T3 T4

T5 T7 LT5

CASE OFFICER Caroline McCaffrey 01277 312603

Drawing no(s) relevant to this decision:

1284/050 P1 Location Plan, 1284/051 P1 Block Plan, 1284/130 Lower Ground Floor Plan, 1284/100 P5 Lower Ground Floor Plan 1284/101 P5 Upper Ground Floor Plan, 1284/102 P4 First Floor Plan, 1284/103 P5 Fifth Floor Plan, 1284/104 P3 Roof Plan, 1284/105 P2 Second floor floor plan, 1284/106 P1 Third floor floor plan, 1284/107 P1 Fourth floor floor plan, 1284/110 P4 South (Inner) Elevation, 1284/111 P4 South Elevation, 1284/112 P5 East Elevation, 1284/113 P5 North Elevation, 1284/114 P4 West Elevation, 1284/120 P1 Street Scenes, 1284/123 P2 Cycle Storage, 1284/124 P1 Refuse Storage, 45765-C-001A, 45765-C-002A, 45765-C-003A. Statement in support of application February 2015, Design and Access Statement February 2015.

1. Proposals

The application site comprises a roughly rectangular area of land at the junction between St James Road and Station Road. The site was cleared many years ago in anticipation of the redevelopment of the former NV Tools site. Brunel House, a residential development to the west, forms part of that redevelopment and the main body of the current application site would complete the development. The land falls from St James Road towards the railway land to the south. The application site is separated from the railway car park by the industrial units in Kings Eight. The site lies on the edge of the commercial area around the station with premises to the east and south being in business use with those to the north and west being residential. The application site includes a narrow strip of land north of the railway west of Warley Hill.

Permission is sought to develop the land for residential flats. 27 two bedroom and 18 one bedroom flats are proposed to be built over six floors. It is indicated that 16 units would be affordable housing with the tenure split to be agreed with the Council and the preferred Registered Social Landlord (RSL). The application indicates that ten would be "affordable" with a further six being "intermediate". The proposal includes 27 car parking spaces on two levels with access being gained to the upper level from St James Road and the lower level from Station Road. Six spaces are proposed to be allocated disabled spaces. 50 cycle parking spaces and 5 motor cycle spaces are identified within the parking areas. The application indicates that an additional 18 car parking spaces will be available at the station car park through the provision of permits secured through a planning obligation for a period of three years.

The main entrance to the building is proposed at the apex of the junction where an entrance hall would provide access to the staircase and lift to upper floors. Two flats are proposed at ground floor level one of which would be fully accessible with level access directly from St James Road. The first and second floors would each accommodate 10 flats including 5 affordable units (3 one-bed and 2 two-bed) with a further 10 flats on the 4th floor. The 5th floor would have three flats within the tallest part of the building nearest to the junction. The "intermediate" flats are indicated to be provided on the 1st, 2nd and 3rd floors - two on each floor.

Amenity space is proposed in the form of balconies (12 units at the rear on 2nd, 3rd and 4th floors), terraces (for the three 5th floor units) and communal amenity decks (714 sq m in total) at roof level and above part of the basement car park.

It is proposed that the walls would be mainly finished in Yellow facing brick and white render to match the existing adjacent development with feature dark blue "Hardie Plank" cladding panels on the chamfered corner as the building turns the junction. The entrance area would be fully glazed.

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.

The site has an 'Employment - Office' allocation in the Replacement Local Plan (RLP). The following RLP policies are of relevance when considering this application:-

- o CP1 General development criteria
- o CP2 New development and sustainable transport choices
- o CP3 Transport Assessments
- o CP4 The provision of infrastructure and community facilities
- o H6 Small unit accommodation
- o H8 Affordable housing larger sites
- o H15 Housing densities
- o E2 Areas allocated for Office purposes
- o T3 Travel Plans
- o T4 New development and highway considerations
- o T5 Traffic management
- o T7 Parking (general)
- o T16 Cycling
- o T17 Pedestrian facilities
- o LT5 Provision of open space in new developments

3. Relevant History -

Overview

The application site has been the subject of a number of proposals for business and mixed use development accommodated within buildings of a similar scale to that now proposed.

The site forms part of a larger site (including the now developed Brunel House). That site was the subject of a number of applications but the most relevant to this proposal was planning permission ref BRW/989/2005. The permission was for a four and five storey building containing 81 residential flats and a six storey office building together with associated parking. The residential part of that development has been built (Brunel House) but the employment element was not commenced.

The permission included a condition (condition 10) requiring the completion of the office accommodation within a fixed time period. Applications have been submitted to extend that period and permission was most recently granted in March 2014 allowing three years from that date to complete the building.

In 2011 an application (ref 11/01195/FUL) was submitted on the current application site for a mixed use development comprising 24 Residential Units, 1270 sq m of B1 office space, 547 sq m of A1 retail space and 115 sq m of D1 creche space, together with associated car parking (comprising 61 spaces) and vehicular access from Station Approach. That application was approved on 3 September 2013. The

permission established the principle of residential development on this site but there remained an element of employment uses.

The most relevant proposals are:-

BRW/989/2005 - mixed use development comprising four and five storey building containing 81 residential flats, a six storey office building (2,995sq.m. net internal floor area), together with associated car parking (comprising 59 office and 43 residential car parking spaces) and vehicular access from St James Road and Station Approach - approved subject to conditions and following completion of S106 Agreement.

BRW/149/2009 - variation of condition 10 of planning permission BRW/989/2005 to extend the period for the completion of the office building from 18 months to 48 months from the occupation of the first residential flat (December 2007) – Approved.

BRW/384/2010 - proposed 71no. dwellings (32no. one bedroom flats and 39no. two bedroom flats) and associated vehicular access from St James Road, car park, cycle store and bin store. Refused.

BRW/1/2011 - variation of condition 10 of planning permission reference BRW/ 989/2005 in order to extend the period for the completion of the office building. Approved subject to the office building being completed within 36 months.

11/01195/FUL - Mixed use development comprising 24 Residential Units, 1270 sq m of B1 office space, 547 sq m of A1 retail space and 115 sq m of D1 creche space, together with associated car parking (comprising 61 spaces) and vehicular access from Station Approach. Approved.

4. Neighbour Responses

Two letters of objection from residents of Brunel House.

No objection to principle, welcome the absence of employment uses but concerned about impact it will have on the area and surrounding properties. The inconsistent (from the adjoining property's perspective) and over-bearing height of the building will create a tunnelling effect down St James Road. If the proposed property was the same height and profile of the adjoining property (Brunel House) I would not consider this an overdevelopment, nor would it have the level of parking implications on the area, thus I would not be objecting.

Concerned that due to the height of the property it will block out a lot of natural light to Brunel House. Brunel House looks like it will be extremely overlooked by this new development. The St James Road elevation protrudes 1.25m from Brunel House so that its brickwork is in line with the end of the balconies. This is in deviation from the footprint on application 11/01195/FUL. This will mean that three properties (9, 19 and 29 of Brunel House) will have a significant reduction in natural light thus reducing quality of life for residents.

Density would be 150 properties per hectare. This is significantly larger than the expected than >65 per ha the Local Plan Policy H14 expected in town centres, thus confirming my view that this is an overdevelopment. I would also dispute that St James Road is in Brentwood's town centre.

It is unreasonable for it to be presumed that it is acceptable for only 27 out of 45 flats (60%) to have a dedicated parking space, simply because the preceding overdevelopment was allowed to; this misjudgement by the planning committee cannot be allowed to continue as a 'precedent' for the area. I also wonder how many residents would take up the offer up of paying to park in the unsecure station car park overnight, knowing there is a greater chance of crime and the associated increase in insurance premium costs. I suspect most would try to use the already overcrowded on-street parking. With additional cars trying to park in St James Road, emergency vehicles will struggle to access emergencies. Concerned about anti-social impact additional development will bring to the area. For example, today I was informed that the management agency of Brunel House are moving the bike store due to security concerns.

5. Consultation Responses

Highway Authority:

Transport Statement; the highway authority is satisfied that the number of trips generated by the proposals would be lower than the previously consented application. Consequently, we would have no objection in terms of highway impact.

Parking standards for residential developments of this type indicate the provision of a minimum of 72 spaces plus 11 further spaces for visitors. However, the standards also indicate that a reduction may be considered for urban locations. This site is clearly urban in nature with excellent public transport facilities nearby. It may therefore be reasonable for Brentwood, as the parking authority, to apply lesser standards for a location such as this. Whilst we note that car parking space no 26 is slightly substandard, we would generally consider the proposal to be satisfactory.

• Environmental Health & Enforcement Manager:

No objections. There is a car park in the basement and there is no need for the normal contaminated land conditions.

Essex & Suffolk Water:

The Company have no objection to the proposed development.

Anglian Water Services Ltd:

No reply at time of writing report.

Arboriculturalist:

No reply at time of writing report.

National Grid:

No reply at time of writing report.

Housing Services Manager:

No reply at time of writing report.

Schools, Children Families Directorate:

Prior to the implementation of the revised CIL regulations on 6th April the Council would have sought a developer contribution for additional primary school places; however the CIL regs restrict the "pooling" of contributions and therefore no contribution is now sought. There will be sufficient secondary school places to accommodate the secondary aged pupils that would be produced by this development.

Historic Buildings Conservation & Design Consultant:

The proposed development site is located at the junction of St James Road and Station Road Brentwood. New developments to the west include Brunel House (four storeys) and to the north is situated the post modern estate of Railway Square. Site visits evidence this location which is at the south of the town is of varied character with no strong established narrative.

Having assessed these proposals within this varied context and with reference to the extant permissions, I raise no objections in respect of the massing proposed. The site can take the weight of form given the developments in the immediate vicinity and the wider context.

Looking at the elevational treatment proposed, I advise the vertical emphasis of the fenestration and cladding with trailing greenery will facilitate in breaking up the visual impact of the massing; in addition creating interest. This controlled punctuation as part of the architectural treatment demonstrates consideration in design which given the town centre location is an important consideration.

My concerns at initial assessment stage related to the strength of the architectural treatment at the apex of St James Road and Station Road. Given the prominence of the proposed massing and the visibility of the corner junction from the principal thoroughfare of Kings Road; concerns were discussed with the project architect. Consequently design revisions have been submitted (see drawings, 1284:103 REV P05; 1284:113 REV P5; 1284:112 REVP5).

Having assessed these revisions as part of this application I advise the design has improved further resulting in a stronger façade treatment. The revisions include at step back at the pinnacle of the development which is accentuated through the extended wrap around balcony.

To ensure the design intent is achieved, I advise Conditions relating to materials/landscape and fenestration are applied; I recommend the following are included:

- Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Works shall not be commenced until a sample panel of 1 square metre minimum shall be erected on site to show areas of new exterior walling, this panel shall indicate: - brick bond, copings, mortar mix, colour and pointing profile.
- Development shall not be commenced until a schedule of the types and colour
 of the materials to be used in the external finishes has been submitted to and
 approved in writing by the local planning authority.

Summary:

Having assessed the proposals I raise no objections on Design grounds.

6. Summary of Issues

Principle of residential development

The Council does not have a five year (+5%) supply of deliverable housing land and therefore its policies as regards the supply of housing land are not up-to-date. In these circumstances paragraph 14 of the Framework indicates that permission (for sustainable development) should be granted unless any adverse effects of doing so would significantly and demonstratively outweigh the benefits when assessed against the policies in the Framework as a whole.

Paragraph 22 indicates that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Paragraph 22 goes on to indicate that "land allocations should be regularly reviewed" and "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

In response to the loss of employment land the original permission for the redevelopment of the "NV Tools" site included a substantial amount of employment floorspace. The residential floorspace within that redevelopment was completed in 2008; however despite some interest the land owners were unable to find a market for the employment element. After four years an amended proposal was submitted for a mixed use scheme including both residential and employment uses. Permission was granted in September 2013 (ref 11/01195/FUL) but the owners have been unable to find occupiers for the employment floorspace.

The applicant has appointed independent surveyors (Glenny LLP) to carry out an employment market review and this is included with the application. The study analyses the office market in Essex and Brentwood and also considers alternative commercial uses (including ground floor retail). It is concluded that there is little if any effective demand for the employment space on the site and that the costs of development of the scheme including the employment element would not be recovered through revenue.

The applicant indicates that 24% of the units could be provided on an affordable basis; however in order to secure the development of the site the applicant is prepared to accept a reduction in developer's profit to provide 35% of the units as affordable housing in line with the Local Plan.

The proposal would result in an addition 21 units over and above the permitted scheme with the number of affordable units increasing from 8 to 16. The site has been empty for many years and the applicant indicates that in the event of permission being granted it would be in a position to proceed with the development.

Taking account of the marketing evidence and the assessment by Glenny it is considered unlikely that the site would be developed in the foreseeable future to include employment uses. In the context of the current shortfall in housing land the additional dwellings arising from this proposal as compared with the 2013 permission is of significant benefit, as is the provision of 16 affordable units.

The proposal would conflict with RLP Policy E2; however in the light of Paragraph 14 the principle of the development must be determined in the context of the Framework as a whole. It is considered that the benefits arising from the additional housing would not be significantly outweighed by any adverse effect of not developing the site for employment purposes and therefore, in principle, permission should be granted.

Density of development and housing mix

Local Plan Policy H14 states that residential densities will be expected to be no less than 30 dwellings per hectare and that within town and district centres densities in excess of 65 dwellings per hectare will be expected. This proposal of smaller units within the urban area would have a density of about 300 dwellings per hectare. Provided that other aspects of the proposal are acceptable this would represent an efficient use of this site which is within a highly sustainable location close to local facilities, employment and public transport routes. All of the proposed flats would be 1 and 2 bedroom units and therefore the proposal would accord with RLP Policy H6.

Policy H9 of the Local Plan states that on larger sites of 20 units or more the Council will seek to ensure that 35% of the dwellings are "affordable housing". 35.5% of the dwellings proposed here (16 in all) are described as "affordable" or "intermediate". The Housing Officer indicates that this proposal would meet a local need for affordable housing. The application indicates that the affordable homes would be secured through a S106 Agreement. No draft has been submitted but subject to a mechanism to ensure delivery through a planning obligation the proposal would accord with Policy H9. It would also accord with 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.

Character and appearance

The position and massing of the proposed building is similar to the permitted schemes. The building would occupy most of the site but the drawings indicate an opportunity for planting on each of the road frontages. It is indicated that planting will be trained up the face of the building on a wire grid to mask the parking beyond. It is considered that the detailing of the exterior of the proposal is an improvement in the 2013 permission. The design consultant considers that the proposal is acceptable for this site and it is considered that it would accord with RLP Policy CP1. It would also be consistent with one of the core principles of the Framework which indicates that planning should always seek to secure high quality design.

Living conditions of nearby residents

Whilst there are variations in the design and detail the overall bulk and massing of the proposal follows the principles of the previous (and extant) permissions. It is inevitable that any building of this scale would change the outlook from nearby properties and that within a development of this type there would be a degree of inter-visibility between windows and balconies; however in this case directly opposing windows would be more than 40m apart. The relationship between the buildings as now proposed is similar to that of the two approved developments.

Specific concern has been expressed about the relationship between the front wall of the proposal facing St James Road and the front wall of Brunel House. In the original permission (BRW/989/2005) the front walls were on the same line but in the later permission the front of the building on the application site was set forward of Brunel House. In the current application the wall would be 0.7m in front of the wall of Brunel House in a similar position to that approved in 2013 (ref 11/01195/FUL). However it would be off-set from the glazed doors and it would not infringe a line at 45 degrees from the edge of the doors. The top floor of Brunel House is set back and therefore the flank wall of the proposal would extend further beyond it. It is estimated that the wall would not infringe a line drawn at 45 degrees from the centre of the top floor window. The wall would be a dominant presence alongside the top floor balcony; however it would not be as high as that previously permitted and taking account of the full aspect from the window and balcony it would not unacceptably detract from outlook.

Talking account of the extant permissions it is considered that the proposal would not unacceptably detract from the living conditions of the occupiers of nearby residential properties. It would therefore be consistent with RLP Policy CP1 and with one of the core principles of the Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of buildings.

Living conditions of occupiers of the proposal

Flat sizes - The Council has not adopted the recently published Housing - Optional Technical Standards; however those standards represent a useful yardstick for the assessment of the size of new dwellings. The proposed flats all exceed the minimum gross floorspace indicated by the guidance for 2 person one-bed units and three-person two-bed units. Seven of the two-bed units would exceed the guideline for four person units.

Amenity space - Three different types of amenity space are proposed for the development. The 2nd, 3rd and 4th floor rear-facing flats would all have balconies. These would be less than the 5 sq m recommended by the Essex Design Guide (EDG) but would allow the occupants to sit outside the flats. The three largest flats on the fifth floor would each have a private terrace. All flats would have access to a top floor 361 sq m roof garden (accessed by lift and staircase) and a first floor 353 sq m deck. This would be accessed by a long (39 step) staircase from the Station Road frontage or by the lift. The 1st floor flats have full height inward-opening glazed doors onto the deck but direct access would be prevented by "Juliette" balconies.

Overall 30 units would be reliant upon the decks to provide communal amenity space. This equates to 24 sq m per unit, which is marginally below the 25 sq m per flat recommended in the Essex Design Guide. The benefit of the decks would be reduced by the access arrangements and, as regards the first floor deck, the proximity of the deck to the windows in the flats. However subject to appropriate detailing and planting the amenity decks could provide attractive and useable outside space. Taking account of the pressure for the provision of housing within the Borough it is considered that the amenity space proposed within the development would be sufficient.

Subject to the measures indicated above it is concluded that the proposal would be consistent with the objectives of RLP Policy CP1 and one of the core principles of the Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of buildings.

Highways issues and parking

Traffic generation - The highways authority raises no objection to the proposal.

Car parking - 28 parking spaces (including 6 disabled) will be provided. Parking standards for residential developments of this type indicate the provision of a minimum of 72 spaces plus 11 further spaces for visitors. However, the standards indicate that reductions may be considered if the development is within an urban area that has good links to frequent and extensive public transport with easy access to employment and local shops and services. The appeal site has an extremely high accessibility to sustainable transport and local facilities and it is therefore considered reasonable to allow for a reduced number of off-street parking spaces.

In dismissing an appeal at Potential House, Kings Road (ref APP/H1515/A/14/2210935 dated 31 July 2014) the Inspector concluded that the absence of car parking (resulting in a deficiency of 8 spaces) would be likely to result in the occupiers of flats seeking to park on the street. He referred to the existing competition for on-street parking spaces and indicated that the existing parking pressures during the evenings and weekends would be exacerbated. He concluded that this would increase the risk of illegal parking in those roads and add unacceptably to the risk of harm to highway safety.

The extant permission generates a need for a minimum of 44 parking spaces for the residential element. That proposal included 27 spaces for the flats and in addition the applicant offered to provide parking permits for the Brentwood Railway Station car park for some of the residents (which was secured through a planning obligation). In line with that proposal the applicant indicates that, through a planning obligation,18 off-site parking spaces would be made available through the purchase of parking permits to enable parking at the nearby station car park. In addition the applicant indicates that a car club scheme could be set up for use by residents of the proposal.

Application of the full parking standard would result in a deficiency of 44 spaces and it is considered that this number of cars could not be reasonably accommodated on the nearby residential streets. Taking account of the nature of the units and their highly accessible location it is considered that it would be reasonable to base the assessment of parking on one space per unit; however this would still result in a deficit of 17 spaces. In this respect the proposal would be similar to the extant permission; however the deficiency in that scheme was based on the full standard.

The provision of parking for cycles and powered two wheelers is in accordance with the adopted standards.

When considering the previous proposal the Essex Fire and Rescue Service indicated concern about problems being experienced by emergency vehicles gaining access to scenes of incidents along St James Road and Rollason Way due to the volume of vehicles parked along St James Road. In that proposal the Highways Officer recommended that the Traffic Regulation Order (TRO) relating to the opposite side of St James Road could be amended to extend the existing double yellow lines as far as an existing lay-by. This would prevent on-street parking on both sides of St James Road in this area which was the main cause of access problems for the emergency services. However the planning obligation included no requirement for a TRO and the Highways Authority response gives no indication that a TRO is necessary.

Conclusion on highways and parking - Paragraph 39 of the Framework indicates that if setting local parking standards local planning authorities should take account of a number of factors including the accessibility of the development, the availability of and opportunities for public transport and local car ownership levels. On 25 March 2015 the Secretary of State for Communities and Local Government indicated that paragraph 39 should be read in conjunction with the following text:-"Local planning authorities should only impose local parking standards where there is a clear and compelling justification that it is necessary to manage their local road network". The preamble to that text referred to issues arising from the use of maximum standards and indicated that the market is best placed to decide if additional parking spaces are to be provided. However those comments do not appear in the Framework text.

It is considered that there is a compelling justification for the requirement to provide off-street parking in this location and local parking standards are therefore necessary. The issue for determination is the amount and method of provision of parking in this highly accessible urban area where the standard allows for flexibility.

The management of the road network is a matter for the Highways Authority and in this case that authority raises no objection to the proposal. It is therefore considered that, taking account of all factors, the parking measures proposed (including off-site provision) are acceptable.

Public open space

RLP Policy LT4 indicates that new residential development should make provision for public open space that is made necessary by and is fairly and reasonably related to the proposed development. Appendix 5 of the RLP indicates that developers of sites of 20 to 50 units would normally be required to provide a LAP either on or off-site and make a financial contribution towards a LEAP and a NEAP. The nature of the proposed development (in common with the extant 2013 permission) would not allow for an on-site LAP and in would therefore be reasonable to expect the applicant to undertake to make such payments as part of a pool of funding for play facilities.

However from 6 April 2015 pooling contributions for infrastructure projects are restricted. Regulation 123(3)(b)of the Community Infrastructure Levy (CIL) Regulations only allows contributions for any particular type of infrastructure or for a specific infrastructure project to be sought from up to five planning obligations that have been entered into on or after 6 April 2010. This number has already been exceeded for public open space in Brentwood. Planning Practice Guidance indicates that once the five obligation limit has been reached, any further planning obligations in respect of a type of infrastructure can no longer constitute a reason for granting planning permission. It goes on to indicate that once the five obligation limit is reached "no more (pooled contributions) may be collected". Therefore, it is clear that Councils are expected not to seek to enforce such obligations. A requirement to make a contribution in this case would be contrary to government policy and should therefore not be sought.

Other considerations

Archaeology

The assessment submitted with the application indicates that the proposal is unlikely to have a significant archaeological impact. Based on the advice of Essex County Council received as part of a previous application (reference BRW/384/2010) a requirement for archaeological investigation or recording is not necessary.

Waste management

The application indicates that the waste storage layout (prepared with guidance from the waste and refuse department at Brentwood Council) provides more than the required level of refuse bins and includes the largest bins. It demonstrates that there is provision for general waste and recycling with room to accommodate further separation should the Local Authority introduce it in the future.

Energy usage

The Energy Statement indicates that the overall energy efficiency specification of the proposal would significantly improve on the requirements of Part L1A 2010. The proposal demonstrates that all units will achieve a reduction in Dwelling Emission Rates of 11.40% better than a Part L 2010 baseline.

Conclusion

As a consequence of the shortfall of identified housing land the proposal must be judged against the policies within the Framework. The proposed dwellings would be well designed and in a highly sustainable location. The standard of accommodation would be acceptable and the proposal would not unduly affect the amenities of nearby residents. The proposal would make a significant contribution to housing and affordable housing in the Borough. The development of the site would result in considerable investment which would boost the local economy. For all of these reasons the proposal would accord with the social, economic and environmental dimensions of sustainable development.

Paragraph 14 of the framework indicates that, unless any adverse effects of doing so would significantly and demonstratively outweigh the benefits, sustainable development should be granted permission. Whilst in a number of respects the proposal does not satisfy the adopted local policies and guidelines it is considered that those deficiencies would not significantly outweigh the benefits and that permission should be granted.

The permission should be subject to the conditions set out below and a planning agreement in respect of:- a) the provision of 16 affordable residential units and b) the provision of 18 parking permits for period of three years in the nearby railway car park.

7. Recommendation

The application be APPROVED subject to completion of a Section 106 Agreement and 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 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: Taking account of the character of the area including nearby residential and business uses the method of carrying out the development is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful to the living conditions of nearby residents, the safety and convenience of highway users and the character and appearance of the area during the construction period. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

3

No development above ground level shall take place until details and samples, where necessary, of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The details submitted shall include:-

- drawings showing details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate.
- a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority
- a sample panel of 1 square metre minimum shall be erected on site to show areas of new exterior walling, this panel shall indicate: - brick bond, copings, mortar mix, colour and pointing profile

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

Reason: In order to safeguard the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

4 U10096

Prior to occupation of the proposed development, the first occupiers of each of the flats hereby permitted shall be provided with a Residential Travel Information Pack for sustainable transport, with information covering local public transport travel and including six one day travel vouchers for use with the relevant local public transport operator, within one month of their occupation of their dwelling. Details of the Residential Travel Information Pack shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings hereby permitted.

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

5 U10097

Prior to occupation of any flat the vehicle parking area, including the provision of car, motor cycle and bicycle parking facilities, shall be completed as indicated on the approved drawings. The vehicle parking area shall thereafter be retained in this form and shall not be used for any purpose other than the parking of vehicles associated with the residential occupation of the building.

Reason: To ensure that appropriate parking is provided in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005 in the interests of highway safety and the encouragement of the use of sustainable methods of transport.

6 U10099

No development above ground level shall take place until details of the two amenity decks have been submitted to and approved in writing by the local planning authority. Those details shall include the layout, surface treatment, planting arrangements and any seating or other fixtures. The decks shall be laid out as approved prior to the first occupation of any flat and shall thereafter be retained as approved for use by the occupiers of the flats.

Reason - To ensure the provision of amenity space for the occupiers of the flats in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

7 U10100

No development above ground level shall take place until a landscaping scheme to include details of all surfacing materials, measures to support climbing plants and specification of plant species on the three road frontages of the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or climbing plant 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 the interests of the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

8 U10101

The building hereby permitted shall be equipped with a communal TV and radio aerial and satellite dish prior to the first beneficial use. Details of the size, external appearance and the position shall be previously submitted to and agreed in writing with the Local Planning Authority prior to the installation of such systems. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no other satellite dishes or aerials shall be fixed to the building hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

9 U10102

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

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

10 DRA01A Development in accordance with drawings
The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

Informative(s)

1 U02376

Reason for approval: The proposal would not fully accord with the provisions of the Adopted Brentwood Replacement Local Plan; however as a consequence of the shortfall of identified housing land the proposal must be judged against the policies within the National Planning Policy Framework. It is considered that the proposal would represent sustainable development as defined by the Framework and that the benefits of permitting the development would not be significantly and demonstratively outweighed by any adverse effects arising from it. Therefore in accordance with paragraph 14 of the Framework permission should be granted. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 U02378


The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, CP2, CP3, CP4, H6, H8, H15, E2, T3, T4, T5, T7, LT5, the National Planning Policy Framework 2012 and NPPG 2014.

3 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.

BACKGROUND DOCUMENTS

DECIDED:



Title: LAND FORMERLY KNOWN AS NV TOOLS, ST JAMES ROAD, BRENTWOOD

15/00142/FUL

Scale 1:1250 at A4

Date 23rd June 2015

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



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SITE PLAN ATTACHED

07. GARAGES WAINWRIGHT AVENUE HUTTON ESSEX

DEMOLITION OF EXISTING GARAGES/LOCK UPS AND CONSTRUCTION OF 4 X 1 BED BUNGALOWS FOR OVER 65'S.

APPLICATION NO: 15/01376/FUL

WARD Hutton Central 8/13 WEEK DATE 04.12.2015

PARISH POLICIES CP1 T2 NPPF NPPG H14

CASE OFFICER Kathryn Mathews

Drawing no(s) P101 P1; P108 P1; DESIGN & ACCESS STATEMENT;

relevant to this P102 P1; P103 P1; P109 P1; P110;

decision:

1. Proposals

Demolition of existing garages/lock-ups (52 in number).

Construction of 4no. 1 bedroom social rented bungalows for the over 65's in two pairs of semi-detached buildings: each pair of dwellings would measure a maximum of 15m in width x 11m in depth and 6m in height, pitched roofs.

The materials proposed for the external surfaces of the dwellings are red brick for the walls and plain concrete tiles (slate grey colour) for the roofs.

The site is stated as measuring 0.18ha. The four dwellings would be located roughly centrally within the site. The height of the buildings proposed would be stepped to follow the ground levels within the site which reduce in a south to north direction by 2.76m.

It is proposed to retain the rear walls of the existing garage blocks which form the rear garden boundary of neighbouring gardens to the west of the site. New means of enclosure within the rest of the site would consist of timber fencing 1.2m-2m in height. The access road, driveway and parking areas would be surfaced using a grass cell system.

A total of 10 parking spaces would be provided within the site including 4 disability spaces, as well as 8 cycle parking spaces.

The application is accompanied by a Design and Access Statement which provides the following additional information:-

- all the garages are currently empty and unoccupied
- the garages are of post-war construction with asbestos roofs these factors deem the garages non-compliant and not fit for purpose
- the site has been subject to anti-social behaviour
- all garage users were offered alternative garaging in the local area
- Brentwood Borough Council intend to build, manage and retain ownership of the houses proposed and it is hoped to commence construction during the financial year 2016/17
- sustainability matters are being considered such as grey water harvesting and solar panels

This application falls to be determined by the Planning and Licensing Committee as the applicant and landowner is Brentwood Borough Council.

2. Policy Context

National Planning Policy National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

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. The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

H14 - Housing density

T2 - New development and Highway Considerations

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

3. Relevant History

 15/00408/FUL: Demolition of 48 lock-ups, change of use of land and development of 6 new-build affordable houses. -Application Withdrawn

4. Neighbour Responses

33 letters of notification were sent out and a site notice was displayed at the entrance to the site. One letter of representation has been received which raises concerns regarding security of their rear garden once the garages are removed (there should be 2m wall and not a 2m fence) and the potential increase in parking and vehicular use in Fawters Close.

5. Consultation Responses

Highway Authority:

The highway authority is disappointed that the parking design does not meet Brentwood Borough Council's adopted parking standards in terms of bay size and manoeuvrability requirements. These standards were indicated to the applicant in pre-application consultations. There is apparently sufficient space for the standards to be achieved, so the highway authority would recommend that this is given further consideration if the proposals are approved.

Therefore, in light of the above, and given that displaced tenants have been found suitable alternative facilities and the proposed parking provision complies with Brentwood Borough Council's adopted parking standards in terms of numbers, the highway authority would not wish to object to the proposals subject to the following conditions;

- 1. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres with a minimum 6m aisle behind each space. Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 2. Cycle parking shall be provided for the new dwellings in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 3. 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 for the new dwelling, 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.
- 4. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing

by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

Informatives

- -Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- -All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- -The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:SMO3 Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

Environmental Health & Enforcement Manager:

With regard to the above I confirm the following matters that require attention.

Contaminated Land

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme, that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed in accordance with Essex Contaminated Land Consortiums's 'Land affected by Contamination (2nd Edition)' and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Building activities

o With regard to building activities in general under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 such activities must be carried out within agreed time periods.

These are as follows:

Monday - Friday: - 08:00hrs to

18:00hrs

Saturday: - 08:00hrs t0

13:00hrs

Sunday/Bank Holidays: - No noisy work at all

In addition to the above, contractors must take due care not to make any unnecessary noise during their work and in particular, time particular noisy activities such as angle grinding/pile driving/hammering etc. for periods after 09:00hrs and before 17:00hrs.

- o All deliveries to site should occur within the 'Building activities' time frame.
- o Management control shall be carried out to ensure that:
- o No loud abusive or inappropriate language be used
- o No loud radio/amplified music be carried out whilst staff are on site
- o All site sub-contractors should nominate or appoint a suitable team member responsible for liaison with the lead contractor's representative and to ensure that sub-contractor construction activities are managed effectively. For information, a summary of 'best practice' site management measures is provided within the guidance Kukadia et al, BRE/dti, February 2003. Here the Minerals Policy Statement 2, Annex 1 Dust provides guidance on dust control and mitigation measures.
- o The Applicant and contractors must ensure that artificial lighting does no materially interfere with nearby residents comfort, convenience and amenity.

Arboriculturalist:

There are some issues with retained trees which I raised at DTM. The offsite trees shown to be retained will be affected unless there is very careful consideration given to construction method and it can be proven that roots will not be excavated and the rooting environment remain undisturbed. Also demolition could be difficult and will need to be covered by a method statement.

Housing Services Manager:

The proposed housing development at Fawters Close meets the housing need requirements for older people in the Borough. It would make an important contribution to the Council's affordable housing stock. The Housing Department therefore strongly supports this planning application.

Design Officer:

This submission follows the recently withdrawn application (ref: 15/00408/FUL) which proposed 6 new build affordable houses set over two storey's.

Further pre-application advice has been undertaken by the applicant and the Project Architect culminating in this current submission to develop 4 x 1 bedroom bungalows designed specifically for the over 65s.

Having assessed the submitted information, I advise the site layout with the reduced number of dwellings with an appropriate scale is acceptable; this scheme demonstrates a suitable approach to development upon a site which currently contains a vast quantity of hard standing and redundant garages.

Further information is required in respect of boundary treatments and materials, this could be subject to conditions.

In summary I raise no objections on Design Grounds to these proposals and support this application.

6. Summary of Issues

The existing garages are in two blocks which adjoin the eastern and western boundaries of the site. The existing buildings are single storey, flat roofed buildings and are currently in a poor state of repair. The site adjoins existing residential properties on all sides which consist of a mix of residential types (detached, semi-detached and terraced housing as well as flats) which are single, one and half and two storey in height. The residential properties to the east front Cedar Road, those to the north and west front Fawters Close. There is an existing vehicular access to the site from Wainwright Close located in the south-western corner of the site, in between nos. 80 and 82 Wainwright Avenue. There is also an existing pedestrian access from Fawters Close along the site's northern boundary. A legal right of access exists across the site for vehicular access to two neighbouring properties (82 Wainwright Avenue and 13 Cedar Road).

The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwellings and highways/parking matters.

Principle

The site is located within an area identified for residential use within the Local Plan and so the proposal would be in conformity with this.

The re-development of the site would result in the loss of around 50 garages and the associated parking provision they could provide. However, the applicant has confirmed that all the former tenants of the garages have been offered alternative garage provision in the local area. On this basis, it is considered that the loss of the existing garages is unlikely to result in additional pressure for on-street parking within the vicinity of the site and so no objection is raised to the loss of the existing garages.

Character and Appearance

The application site is not visually prominent being enclosed on all sides by existing residential properties and ground levels reduce in a south to north direction.

The removal of the existing garages would improve the outlook from adjoining residential properties.

The proposed buildings would be single storey in height and set into the site a distance of around 36m from Wainwright Avenue. On this basis and the size, height, position and design of the proposed dwellings, it is considered that the new buildings would not cause harm to the character or appearance of the area, in compliance with the NPPF (section 7), NPPG and Policy CP1 (criteria i and iii). The Design Officer supports this view.

It is proposed to retain the tree located on the rear boundary of 19/21 Cedar Road which overhangs the eastern boundary of the site along with two trees adjacent to the northern boundary. However, the application is not accompanied by an Arboricultural Survey and Impact Assessment which would be required to demonstrate that the proposed development would not have an adverse impact on any of these trees, in accordance with Policy C5. The recommendation below is made on the basis that it is anticipated that this matter can be resolved prior to the Planning and Licensing Committee.

It is considered that the means of enclosure proposed, as a result of the location and extent of screen fencing to be used to enclose the four plots, could create an unattractive environment within the site but this detailed matter could be the subject of a condition attached to any planning permission granted so that alternative details of means of enclosure could be approved at a later date.

It is also considered that use of the concrete, slate grey colour tiles proposed would detract from the appearance of the development but details of the external materials to be used could be the subject of a condition requiring that samples of materials are submitted for approval.

It is considered that the proposed development, at a density of 45 dwellings per hectare, would make efficient use of the site given the site's physical constraints and the character and appearance of the existing development in the vicinity of the site, in compliance with Policy H14.

Neighbours' Amenity

The proposed buildings would be single storey in height. The buildings would be a minimum of 1m from the eastern boundary of the site and a minimum of 6.5m from the site's western boundary. The existing dwellings to the east of the site are a minimum of 17m from the site's eastern boundary. On this basis, it is considered that the proposal would not cause harm to the amenity of the occupiers of any neighbouring residential properties by reason of dominance, loss of outlook, loss of daylight, loss of sunlight or loss of privacy, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

A condition could be imposed, as recommended by the Environmental Health Officer, to control the construction period to minimise noise, disturbance and inconvenience to existing residents.

Quality of Life

The proposed dwellings would be provided with off-street parking which would comply with the adopted standard of at least one parking space per one bedroom property and 0.25 visitor parking spaces per dwelling. Amenity space in excess of 75sq.m. is also proposed which would exceed the recommended minimum of 50sq.m. for one bedroom properties. Whilst the standard is for private amenity space and the whole of the garden areas proposed would not be private, given the enclosed location of the site and the type of housing proposed, it is not considered that this matter would result in an inadequate quality of life for the occupiers. The gross internal floorspace for the dwellings would exceed the recommended minimum of 50sq.m. plus 1.5sq.m. of built-in storage for a two person, one storey property as set out in DCLG's Technical Housing Standards (March 2015). On this basis, it is considered that the development would provide an adequate quality of life for the occupiers of the proposed dwellings, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

Highways and Parking

The proposed development would provide at least one parking space per dwelling and at least one visitor parking space which would comply with the adopted parking standard for one bedroom dwellings.

The Highways Authority does not raise objection to the proposal subject to the imposition of conditions including one to address the inadequate size and access to some of the parking spaces proposed. On the basis of this, the scale and nature of the proposal and as an existing vehicular access would be used which used to serve over 50 garages, it is not anticipated that the development would cause harm to highway safety.

A condition could be imposed requiring details of a Construction Management Plan to be approved before the development is commenced to minimise disruption for users of highways in the vicinity of the site.

On this basis, the development would comply with the NPPF (paragraph 17), Policy T2 and Policy CP1 (criteria iv and v) in this respect.

Other Matters

Given the previous use of the site as garaging, the Environmental Health Officer recommends that, if planning permission is granted, a condition is imposed to

address any potential contamination at the site in the interests of human health and to prevent pollution of the water environment.

Whilst the Council as landlord intends to limit the occupation of the proposed dwellings to the over 65s, it is considered that it would not be necessary to impose a similar limitation as part of any planning permission granted as the occupation of the dwellings by those under 65 would not result in harm to any planning related matter in this case. For example, an increased provision of off street parking or private amenity space would not be required.

The concerns raised by a local resident have been addressed above (the rear wall of the existing garage block which backs onto Fawters Close is to be retained and it is not anticipated that the proposed development would result in increased on-street parking or vehicular use of Fawters Close as the existing garages are unoccupied and adequate provision for the occupiers of the proposed dwellings is to be made within the application site).

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 U11491

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

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

3 U11492

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
- viv. external lighting

Reason: In the interests of highway safety, visual and neighbour amenity. These details are required prior to the commencement of the development as they are fundamental to the proposal hereby approved.

4 SIT02 Site levels - as illustrated

The relationship between the height of the building herby permitted and adjacent buildings shall be as indicated on the approved drawing.

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

5 U11493

The surfacing materials of the accessway, driveways and parking areas shall be of a permeable construction or shall be designed to direct run-off surface water to a permeable area within the site.

Reason: In order to prevent surface water flooding in the area.

6 U11494

No development shall take place above ground level until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. 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 U11495

Notwithstanding the submitted details, no development above ground level shall be carried-out 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 existing and future occupiers.

8 U11496

Should any contamination be found, the contamination shall be reported immediately to the local planning authority and construction of the development shall cease immediately. The site shall then be assessed in accordance with Essex Contaminated Land Consortiums's 'Land affected by Contamination (2nd Edition)' and a remediation scheme submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority before construction of the development hereby approved re-commences.

Reason: In the interests of human health and prevent of pollution of the water environment.

9 U11503

No development shall take place until a site layout has been submitted to and approved in writing by the local planning authority which includes a minimum of five vehicular parking spaces with minimum dimensions of 2.9 metres x 5.5 metres and

with a minimum 6m aisle behind each space. The development shall be carried out in accordance with the approved details and the approved parking spaces shall be provided prior to the occupation of any of the dwellings hereby permitted.

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

10 U11504

No development shall place above ground level until details of cycle parking for the new dwellings has been submitted to and approved in writing by the local planning authority. The facility shall be secure, convenient, covered, provided prior to occupation and retained at all times.

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

11U11505

Prior to the occupation of the proposed development, the developer shall provide a Residential Travel Information Pack for sustainable transport, to the occupier of each dwelling. Details of the pack shall have the prior written consent of the local planning authority.

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

12 DRA01A Development in accordance with drawings
The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, H14, C5 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF04

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

3 INF21

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

4 U02678

- -Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- -All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:SMO3 Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

BACKGROUND DOCUMENTS

DECIDED:





Title: Garages Wainwright Avenue

15/01376/FUL

Scale at A4: 1:1250 Date: 1st December 2015

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



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SITE PLAN ATTACHED

08. LAND ADJACENT TO 12 AND 13 MAGDALEN GARDENS HUTTON ESSEX CONSTRUCTION OF 3 NEW DWELLINGS.

APPLICATION NO: 15/01375/FUL

WARD Hutton East **8/13 WEEK** 04.12.2015

DATE

NPPF NPPG

PARISH POLICIES CP1 H14 T2

C5

CASE OFFICER Mrs Charlotte White

Drawing no(s) relevant to this decision:

DESIGN AND ACCESS STATEMENT; ARBORICULTURAL REPORT; TREE PROTECTION PLAN; ALS6895/200/01 /A; 1380:100 /P2; 1380:101 /P4; 1380:102 /P3; 1380:103 /P2; 1380:104 /P2; 1380:105 /P3; 1380:106 /P2; 1380:107 /P1; 1380:108 /P1; ECOLOGY STATEMENT; HIGHWAYS NOTE;

1. Proposals

Planning permission is sought to construct a row of three dwellings on the site - a pair of semi-detached dwellings and a link detached dwelling. The proposed dwellings are two storey in nature and each dwelling has three bedrooms. The proposed dwellings are affordable units. Each dwelling is provided with two parking spaces and three visitor spaces will be provided. New trees will be planted and the trees and vegetation within the adjoining sites will be retained and protected. Each dwelling has a private rear garden area with a cycle shed and a small front garden area. The development will utilise the existing site entrance.

This application is presented to Committee as the site is Council owned land and has been submitted by the Housing Department.

2. Policy Context

National Planning Policy

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

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. The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

- CP1 General Development Criteria
- H14 Housing density
- T2 New development and Highway Considerations
- C5 Retention and Provision of Landscaping and Natural Features in Development.

3. Relevant History

• 15/00489/FUL: Three new dwellings. -Application Withdrawn

4. Neighbour Responses

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

5. Consultation Responses

Highway Authority:

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the area available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwellings as per Drawing 1380:101 Rev P4.

Please add the condition that a Residential Travel Information Pack should be provided for each dwelling.

Please also include the informative below; the vehicle crossover will require an application and contact with Essex Highways- contact details provided below.

Informative

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

Essex & Suffolk Water:

No reply received at time of writing report

- Anglian Water Services Ltd:
- No reply received at time of writing report
- Environmental Health & Enforcement Manager:
- No reply received at time of writing report

Arboriculturalist:

The submitted arboricultural report is good and will ensure that the off site trees are maintainable for the future protection of neighbouring properties. No landscape details are listed on the website at this time.

The landscaping has now been considered and is suited, however the tree screen should be Serbian Spruce not Siberian.

Natural England:

Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

Essex Wildlife Trust:

No reply received at time of writing report

Design Officer:

This submission follows the recently withdrawn application (ref: 15/00489/FUL).

Further advice has subsequently been undertaken by the applicant and the Project Architect which has culminated in a more suitable approach to development upon this site. In respect of layout the three dwellings proposed create a short terrace, containing built form in one location; this is acceptable given the immediate and wider context of the site.

In respect of scale, the dwellings proposed reflect the existing forms of the neighbouring properties - the footprint however being deeper than the existing post war architecture; given the national requirements for house standards this is acceptable.

In elevation treatment, the intent is improved to reflect the local distinctiveness which is utilitarian in nature; this is acceptable.

In summary I raise no objections on Design Grounds to these proposals, details such as windows and external materials should be Conditioned.

6. Summary of Issues

The application site is located on the north-western side of Magdalen Gardens, at the end of the cul-de-sac. The site is hardsurfaced with some areas of vegetation and there is a high gate restricting access into the site. The site slopes down to the north.

The site is located in a residential area and as such the main considerations in the determination of this proposal are; the principle of the proposal, sustainability, design and character of the area, residential amenity, living condition, parking and highways and trees, landscaping and ecology:

History

Planning permission was previously sought to develop 3 dwellings on this site (ref. 15/00489/FUL) which was withdrawn after officer concerns were raised. As a result, the design and layout of this proposal has been amended compared to the previously withdrawn application.

The principle of the development

The site is located within a residential area. As such, the principle of developing the site to provide residential dwellings is acceptable, subject to other considerations such as design and residential amenity considerations.

Sustainability

The site is located in a sustainable location; located in a residential area, with good public transport links and shops and services within walking distance. Occupiers of these dwellings would not therefore be completely reliant upon their private vehicles. No objection is therefore raised on this basis.

Design and character of the area

The proposal is for a linked terrace of 3 dwellings. Magdalen Gardens is a small culde-sac that is characterised by terraced and semi-detached houses of a very similar design and character, with similar detailing and ridge heights. This proposal has been designed to harmonise with this existing character and would not therefore adversely impact the established character or appearance of the area. The dwellings have been sited to from a row that continues the existing terraced row on the northern side of Magdalen Gardens.

The Design Officer has commented that the proposal constitutes a suitable approach, is of an acceptable layout and seeks to reflect the local distinctiveness. Subject to conditions the Design Officer therefore raises no objection to the proposal. The Design Officer requests conditions for materials and window details. The material details condition is considered necessary, however, it is considered overly onerous requiring window details given that the site is not located in a Conservation Area.

Subject to conditions requiring material samples, it is considered that the proposal is of an acceptable design that would not harm the character and appearance of the area. No objection is therefore raised to the proposal in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

Housing Policies

This proposal seeks to provide three affordable 3-bedroom dwellings which is positive and helps to address the need for affordable housing in the Borough. The development would have a density of some 30 dwellings per hectare (dph) which is appropriate. It is considered that this density is not out of keeping with the surrounding area and makes the best use of the site. The site is constrained by the existing residential dwellings and it is therefore considered that a higher density would be difficult to achieve. No objection is therefore raised on this basis.

Residential amenity

This site is constrained by the existing dwellings that surround the site with; No.12 Magdalen Gardens to the immediate east of the site, No.13 Magdalen Gardens to the south of the site, No.21 Kelvedon Close to the west and No.10 Haywood Close to the immediate north of the site. Each of these properties will need to be considered to ensure that the proposal does not result in any material harm to the residential amenity of these properties in terms of dominance, an overbearing impact, loss of light and outlook and overlooking and loss of privacy. All other properties are considered too remote from the site to be materially affected in this regard:

12 Magdalen Gardens

The proposed dwellings would be located a minimum of some 3m from the boundary with No.12 Magdalen Gardens, with the flank wall located some 7m from the built form at No.12. There are no side windows facing No.12. As such, it is considered that the proposal would not result in any material dominance, overbearing impact, loss of light or outlook, overlooking or loss of privacy to No.12 Magdalen Gardens.

13 Magdalen Gardens

The proposed dwellings would be located some 10.85m from the boundary with No.13 and some 16.1m from the dwelling at No.13. As such, the proposal would not result in any undue dominance, overbearing impact or loss of light and outlook to No13.

In terms of overlooking, and loss of privacy, the proposed new dwellings would be located some 10.85m from the boundary of No.13 which is below the distance recommended in the appendices of the Local Plan. However, the new dwellings are located on lower ground level than No.13 and the ground floor windows would be screened by the fence proposed on this boundary which will be 2.3m in height. At first floor level, a bathroom and bedroom window are proposed to each dwelling facing the garden at No.13. The bathroom windows can be conditioned to be obscure glazed with limited openings to prevent undue overlooking, however, such a restriction can not be applied to the bedroom windows, as this would result in substandard living conditions for the occupiers of the dwellings. However, the scheme has been designed to have trees positioned opposite the first floor bedroom windows to Plot 1 and 2 to further mitigate any overlooking into the garden of No.13. There is no such tree proposed opposite the first floor front bedroom window to Plot

3, however, this window would only directly overlook the very rear of the garden at No.13. It should also be noted that this site is located in an established residential area where a degree of overlooking is to be expected. With regard to No.13, given the layout of the dwellings and the mitigation proposed it is not considered that the proposal would result in material overlooking or loss of privacy to No.13. No objection is therefore raised on this basis, subject to a condition requiring the first floor bathroom windows to be obscure glazed with limited openings.

21 Kelvedon Close

No.21 has benefitted from a fairly large side/rear extension. The dwelling at Plot 3 would be located closest to No.21 Kelvedon Close, however, an isolation space of a minimum of 4m is provided between the flank wall of Plot 3 and the boundary/extension at No.21. No side windows are proposed. There will also be new planting on the side on this boundary. Given the isolation space provided, it is not considered that the proposal would result in any material overlooking, loss of privacy, dominance, overbearing impact or loss of light and outlook to No.21 Kelvedon Close.

10 Haywards Close

The proposal would not result in any dominance, overbearing impact or material loss of light or outlook to No.10 as the dwellings proposed would be located some 12.5m from the boundary with No.10. However, in terms of overlooking and loss of privacy, the dwellings are located less than the 15m from the rear boundary as recommended in the guidance in the appendices of the Local Plan to prevent undue overlooking. However, the established trees on this boundary in the garden of No.10 are to be maintained and protected during construction and new trees are to be planted in the rear gardens of the new dwellings hereby proposed. The proposed dwellings would also be located some 15m from the flank wall of No.10 Haywards Close. As such, it is not considered that this proposal would result in material overlooking to No.10.

In terms of noise and disturbance, whilst the Environmental Health Officer (EHO) has not provided any comments on this proposal to date, the EHO previously raised no objection to the construction of 3 dwellings on this site (ref. 14/00489/FUL), subject to the timings of works being carried out (only between 08:00 - 18:00 Monday-Friday and 08:00 and 13:00 Saturdays) and commented that the contractor must take care not to make any unnecessary noise and should use best practice site management measures, and dust, light and noise should be carefully considered. In this regard, a condition requiring a construction method statement can be imposed on any grant of consent.

Given the previous use of the site and given that this proposal seeks to use the site for residential purposes it is located in a residential area, it is not considered that the proposed development would result in any undue noise and disturbance to the existing residents.

No objection is therefore raised in terms of the fourth bullet point of paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living conditions

All three dwellings proposed are provided with parking spaces and an adequate sized garden (each garden is in excess of 100 sq. m as recommended as a minimum in the appendices of the Local Plan). All habitable rooms will be provided with windows to provide light, ventilation and outlook. The size of the dwellings proposed is slightly below the minimum required in the technical housing standards - some 3.6 sq. m too small, but provides adequate storage and adequate room sizes. No objection is therefore raised on this basis.

Parking and highway considerations

This proposal seeks to provide two parking spaces per dwelling and three unallocated visitor parking spaces.

The Highway Authority have commented that from a highway and transportation perspective the Highway Authority has no comment to make given the area available for parking within the site which complies with the adopted parking standards. A condition is recommended requiring travel information packs which is considered necessary and relevant. Subject to such a condition no objection is therefore raised on this basis.

Trees, landscaping and ecology

In terms of Trees, the information submitted indicates that the trees that adjoin the site will be maintained and protected during the development. The Council's Tree Officer has commented that the arboricultural report is acceptable.

In terms of landscaping, the plans submitted indicate that the existing trees on the adjoining sites are to be maintained and protected during construction and a number of new trees will be planted on the site as part of the development. There will be Serbian Spruce trees planted to mitigate any overlooking from the first floor front bedrooms to No.13, which the Tree Officer comments is acceptable, but no details of the other trees proposed have been provided. Subject to a condition requiring further landscaping details, no objection is raised on this basis.

In terms of the hard landscaping proposed; the plans submitted indicate that asphalt will be used to the access road with the parking spaces being constructed of marshals brindle keylock block paving. This hardsurfacing proposed is considered to be of an acceptable appearance. Subject to a condition requiring the

hardsurfacing to be permeable or to direct surface run-off to a permeable area within the site no objection is raised on this basis.

In terms of ecology a small statement has been submitted with this application which indicates that the area is used by foraging foxes and birds which may not be permanently residing on the site but may dictate the operational timing of the site clearance. However, given that the proposal does not seek to remove any trees and will protect the trees in the surrounding gardens, it is not considered necessary to restrict the works to outside the bird breeding season in this instance.

The ecology statement also states that there are some large logs that have been placed on the site which are decaying and contain stag beetles. However, it states that these logs are translocatable to a recipient site should the species be present at the time of commencement of the development.

Information contained on the Wildlife Trust Website indicates that the stag beetle is protected under the Wildlife and Countryside Act 1981 and is classified as a priority spices in the UK biodiversity action plan. The Stag Beetle is found in south-east England and prefers oak woodlands, but can be found in gardens, hedgerows and parks. The larvae depends on old trees and rotting wood to live in and feed on and can take up to six years to develop before they pupate into adults. Adults have a shorter lifespan; emerging in May and dying in August once the eggs have been laid in a suitable piece of decaying wood.

Natural England does not have any specific standing advice for Stag Beetles, but does have standing advice for invertebrates generally which states that mitigation and compensation methods should avoid negative effects on invertebrates e.g. by redesigning the scheme, but if this is not possible mitigation should be used to reduce the impacts including reduce the scale of the impact by minimising the footprint of the development, create new habitats, phase works to provide habitat continuity and maintain suitable habitat to support the species in the local area. The standing advice goes on to state that Local Planning Authorities should seek a qualified ecologist's advice about the potential impacts and suitable mitigation measures, use compensation if there are still negative impact for invertebrates and only move invertebrates to a new locations (translocation) as a last resort. A Natural England license may also be required in this regard.

Given this standing advice, it is considered necessary in this instance to attach a condition on any grant of consent requiring a full survey for the stag beetles to be carried out. Translocation, as recommended in the ecology statement provided, should be a last resort. As such a full survey is required to ensure other mitigation would not be appropriate in this first instance. Subject to such a condition no objection is raised on this basis.

Conclusion

This proposal seeks to provide three 3-bedroon affordable houses in a sustainable, residential location. The proposal is of an acceptable design and would not result in material harm to the residential amenity of the surrounding dwellings. Subject to conditions the proposal is therefore recommended for approval.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings
The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

3 U11436

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

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

4 U11437

The first floor bathroom windows shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so

glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

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

5 U11438

No development above ground level shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved prior to the first occupation of the dwellings hereby permitted. 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.

6 U11439

The surfacing materials of the driveways and parking areas shall be of a permeable construction or shall be designed to direct run-off surface water to a permeable area within the site.

Reason: In order to prevent surface water flooding in the area.

7 U11440

No development shall take place until a full stag beetle ecology report, including mitigation and compensation measures, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved report.

Reason: In the interest of preserving the protected species identified on site. This information is needed prior to the commencement of the development as it is fundamental to the development and without such a report being submitted to and approved in writing prior to the commencement of the works on the site it would have been necessary to refuse planning permission.

8 U11441

The proposed development shall not be occupied until the Developer has provided a Residential Travel Information Pack for sustainable transport, with information covering local public transport travel, to each proposed dwelling.

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

9 U11442

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. This condition is needed prior to the commencement of the development as it is fundamental to the proposal hereby approved.

10 SIT02 Site levels - as illustrated

The relationship between the height of the building herby permitted and adjacent buildings shall be as indicated on the approved drawing.

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

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, H14, T2, C5 the National Planning Policy Framework 2012 and NPPG 2014.

3 U02669

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

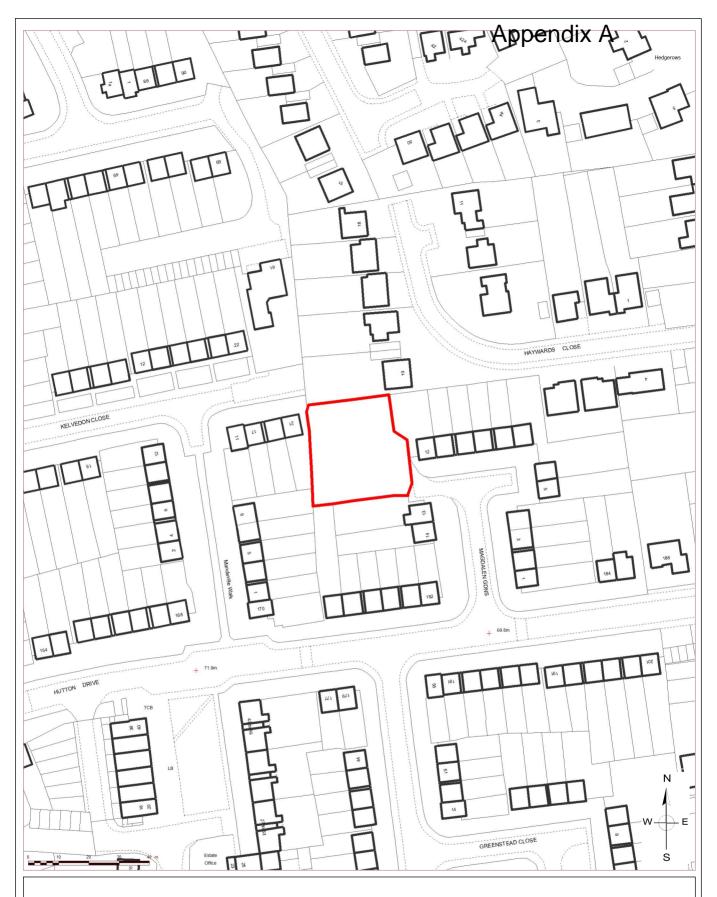
4 INF21

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

BACKGROUND DOCUMENTS

DECIDED:





Title: Land adjacent 12 and 13 Magdalen Gardens

15/01375/FUL

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

Scale at A4: 1:1250 Date: 1st December 2015

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

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

Other Pecuniary Interests

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

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

Non-Pecuniary Interests

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

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

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

Planning and Licensing Committee

Planning

- (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.
- (a) To guide the Council in setting its policy objectives and priorities.
- (b) To carry out the duties and powers of the Council under current legislation;
- (c) To develop, implement and monitor the relevant strategies and polices relating to the Terms of Reference of the committee.
- (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (e) To consider and approve relevant service plans;
- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning.

Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including i. Trading Requirements.
- ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

- iii. Animal Welfare and Security.
- iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing.
- v. Sex establishments (including Sex Entertainment Venues (SEV)).
- vi. Pavement Permits.
- vii. Charitable Collections.
- viii. Camping, Caravan Sites and Mobile Homes.
- ix. Scrap Metal.
- x. Game Dealers.
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.