



# Agenda

## Planning and Licensing Committee

Monday, 26 March 2018 at 7.00 pm

Brentwood County High School, Shenfield Common, Seven Arches Road,  
Brentwood CM14 4JF

### Membership (Quorum – 4)

Cllrs Ms Sanders (Chair), Faragher (Vice-Chair), Bridge, Chilvers, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Newberry, Reed, Mrs Slade and Wiles

### Substitute Members

Cllrs Barrett, Mrs Coe, Mrs Davies, Mrs Fulcher, Mrs Pound, Russell and Trump

### Agenda

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1.	<b>Apologies for Absence</b>		
2.	<b>Minutes of the Previous Meeting</b>		7 - 12
3.	<b>Hutton Hall, Hutton Village, Hutton, Essex CM13 1RX Application Number: 17/01547/FUL</b> Removal on condition 5 restricting siting and use of marquee between April and October only on application 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).	Hutton East	13 - 26
4.	<b>South Essex Golf and Country Club, Brentwood Road, Herongate, Essex CM13 3LW Application Number: 17/01528/FUL</b> Report to follow.	Herongate, Ingrave and West	27 - 30

Horndon

5. **33-37 High Street, Brentwood, Essex, CM14 4RG**  
**Application Number: 17/01533/FUL**  
Demolition of no 35 and no 37, part demolition, part retention of no. 33 and construction of part 3, part 4, and part 5 storey building comprising of five ground floor retail units, and 15no. residential units (8no. 1 bed units; 7no. 2 bed units).  
Construction of additional five storey building to rear of the site comprising ground floor, SME (flexible retail/office) use, and 4no. 2 bed units.
6. **130 Kings Road, Brentwood, Essex CM14 4EQ Application Number: 17/01971/FUL**  
Two storey roof extension to existing six storey building to provide 10 no. Residential dwellings, external alterations, sub surface water storage tanks, plant room, refuse store, cycle parking, and construction of a single storey ground floor extension.
7. **Highpoint, Beggar Hill, Fryerning, Essex CM4 0PN**  
**Application Number: 18/00075/FUL**  
Demolition of existing residential building for replacement residential building.
8. **Chelmsford City Council Local Plan Pre-Submission version (2018)**  
Report to follow.
9. **Urgent Business**
- Brentwood North 31 - 44
- Brentwood South 45 - 60
- Ingatestone, Fryerning and Mountrising 61 - 70
- All Wards



Chief Executive

Town Hall  
Brentwood, Essex  
16.03.2018

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### 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.

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#### 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.

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#### Point of Order/ Personal explanation/ Point of Information

##### Point of Order

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

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### 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](http://www.brentwood.gov.uk).

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#### 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

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these activities, in their opinion, are disrupting proceedings at the meeting.

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 **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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 **Evacuation Procedures**

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



## Minutes

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### Planning and Licensing Committee Wednesday, 21st February, 2018

#### Attendance

Cllr Ms Sanders (Chair)	Cllr Mynott
Cllr Faragher (Vice-Chair)	Cllr Newberry
Cllr Bridge	Cllr Reed
Cllr Chilvers	Cllr Mrs Slade
Cllr Mrs Middlehurst	Cllr Wiles
Cllr Morrissey	

#### Apologies

Cllr Mrs Murphy

#### Substitute Present

Cllr Russell

#### Also Present

Cllr Lockhart - Blackmore Parish Council

#### Officers Present

Surinder Atkar	-	Planning Solicitor
Nick Howard	-	Development Management Team Leader
Philip Drane	-	Planning Policy Team Leader
Claire Mayhew	-	Corporate and Democratic Services Manager
Brooke Pride	-	Planning Officer

#### 277. Apologies for Absence

Apologies were received from Cllr Mrs Murphy with Cllr Russell substituting.

#### 278. Minutes of the Previous Meeting

The minutes of the meeting held on 31<sup>st</sup> January 2018 were approved as a true record, subject to an amendment to the recorded vote under Min 263 – Brigade Head Quarters, Rayleigh Road, Hutton, Brentwood, Essex. Application No. 17/01527/OUT to state:-

**FOR:** Cllrs Wiles, Mrs Murphy, Ms Middlehurst, Reed, Ms Slade, Bridge, Chilvers, Newberry, Ms Sanders and Faragher (10)

**AGAINST:** Cllr Mynott (1)

**ABSTAIN:** (0)

**279. 6C HATCH ROAD PILGRIMS HATCH ESSEX CM15 9PX Application No: 17/01775/FUL**

The application sought planning permission for the retention of a garage.

Mr Hunt, the applicant was present and addressed the committee in support to the application.

Ward Members, Cllr Mrs Davies and Cllr Kendall were present and expressed their concerns.

The site was a very contentious site when the application was first submitted for the dwellings in 2011. On appeal the Inspector's advice, stated clearly that development rights had be removed. How did the garage get to such an advance state, their concerns were reported to the Enforcement Team.

Questions were raised, relating to the authority going against the inspector decision, this would be set a precedent.

Mr Atkar, Planning Solicitor, confirmed just because the Inspector had withdrawn permitted development rights in the case before him did not take away the Council's discretion to decide and determine a fresh application on its own merits. In any event the Inspector in his decision had reserved the possibility of the LPA doing just that on a fresh application.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Chilvers to **REFUSE** the application, due to Planning Policies C1, 2 and 3 being shown and Inspector's reviews not be relevant.

A vote was taken by a show of hands and the Members voted as follows:

**FOR:** Cllrs Mynott, Newberry, Chilvers and Morrissey (4)

**AGAINST:** Cllrs Wiles, Russell, Ms Middlehurst, Ms Sanders and Faragher (6)

**ABSTAIN:** Cllrs Ms Slade, Reed and Bridge (3)

The motion was **LOST**.

Views were expressed about this being a retrospective application but should be reviewed as any normal application and authority be given to the local authority to make the decision.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Faragher to **APPROVE** the application subject to conditions within the report and in accordance with the approved plans. The applicant to re-submit new plans within one month to reflect what has been constructed on site. Delegation authority is given to the Planning Officer.

A vote was taken by a show of hands and the Members voted as follows:

**FOR:** Cllrs Mynott, Newberry, Chilvers and Morrissey (4)

**AGAINST:** Cllrs Wiles, Russell, Bridge, Ms Middlehurst, Ms Sanders and Faragher (7)

**ABSTAIN:** Cllrs Ms Slade and Reed (2)

The motion was **CARRIED** subject to the following conditions:-

- 1 DRA01A Development in accordance with drawings  
The development hereby permitted shall be retained 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.

## **280. Enforcement Plan**

The report had set out an updated version to the Enforcement Plan.

Mr Howard, presented the report to members. Advising them of no major changes and the plan was being made shorter and user friendly.

Cllr Bridge, express concerns over the protection of the informant and asked for clarification on when their identity may make them to be disclosed.

Mr Atkar, confirmed any informant on a planning infraction would have their identity confirmed in the normal course of events but if the matter reached Court and such a witness gave evidence it would be difficult to preserve anonymity.

The Chair also asked about entrance to properties without the owner being present. Mr Howard explained that permission will be sought, if not a warrant can be used.

Cllr Chilvers, expressed concerns over the Health and Safety issues relating to construction site. She asked for clarification on who's is responsible to enforce, the Council or other authority.

Mr Howard advised that untidy site enforcement is undertaken by the local authority in liaison with Environmental Health. Conditions on building hours is set out in a Construction Management Statement as part of the decision.

After a full discussion a motion was **MOVED** by Cllr Ms Sanders and **SECONDED** by Cllr Faragher to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED**.

### **1. For Members to agree the Draft Planning Enforcement Plan (February 2018).**

#### **Reasons for Recommendation**

To ensure that the Council have an up to date enforcement plan that was transparent and concise. It set the scene for the Council to move forward to an internet-based enforcement system whereby Members and the public could access details of and track the progress of enforcement cases on-line.

*(Cllr Russell left the room during the debate and therefore didn't take part in the vote).*

### **281. Response to the Rochford Local Plan Issues and Options Consultation**

The report sought approval on a formal response from Brentwood Borough Council to the Rochford New Local Plan Issues and Options consultation document (Regulation 18).

The proposed response conveyed broad support of Rochford District Council's aims in preparing a new local plan. The Rochford Plan was at the early stages of the plan-making process with little specific details provided on the strategic approach for the area.

Brentwood Borough Council had recently signed a Memorandum of Understanding for joint working with other South Essex local authorities, including Rochford District Council. The Association of South Essex Local Authorities (ASELA) met regularly on a number of workstreams including strategic planning and cross-boundary issues.

Mr Drane, presented to report to the committee.

Cllr Bridge, made reference to paragraph 4 of the proposed response (Appendix A), in terms of Rochford District Council's proposal to deliver homes in addition to local objectively assessed need. He asked for an amendment to made to paragraph 4 to reflect a more positive encouragement of the proposal.



A motion was **MOVED** by Cllr Wiles and **SECONDED** by Cllr Faragher to approve the recommendation in the report, subject to the amendment to paragraph 4 as requested by Cllr Bridge.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

**1. To approve the response to Rochford District Council's New Local Plan Issues and Options document (December 2017), as set out in Appendix A (of the report).**

#### **Reasons for Recommendation**

Rochford District Council were at the early stages of the plan-making process. No policies or site allocations had been proposed as part of this consultation and so the proposed response focused on high-level strategic issues.

It was considered appropriate that Brentwood Borough Council expressed broad support for Rochford District Council's efforts to develop a local plan in accordance with national policy and guidance, and the commitment to continued collaboration through the duty to cooperate on strategic planning matters that affect South Essex.

#### **282. Response to the Draft London Plan Consultation**

The report sought approval on a formal response from Brentwood Borough Council to the Draft New London Plan (the Spatial Development Strategy for Greater London), prepared by the Greater London Authority on behalf of the Mayor of London.

The proposed response conveyed broad support of the Draft Plan and sought clarification or additional information on some of the proposed policies and the approach to meeting London's full housing needs targets and the proposal for the Wider South East as outlined in section 4 of the report.

Given Brentwood Borough's neighbouring proximity to Greater London, there were a number of strategic planning and cross-boundary issues, such as housing, infrastructure, employment, and Green Belt.

Mr Drane, present the report to Members and highlighted the potential shortfall of over 20,000 homes over the plan period.

Cllr Mynott, asked for a typographical error in paragraph 4 of the proposed response (Appendix A) to be amended, correcting the text from "City of London" to "Greater London", which was noted by the Officer. Clarification on the term South East Opportunity Area was raised and a discussion held on the nature of the Greater London Authority intention to invite willing partners to work with them to meet unmet housing needs.

Cllr Bridge, requested an amendment be made to paragraph 6 of the proposed response (Appendix A), for the wording to be made clearer without

losing the substance of the text, and that delegated authority be given to the Planning Policy Team Leader in consultation with the Chair of the Planning and Licensing Committee on this amendment.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Sanders to approve the recommendation in the report, subject to the amendments of paragraphs 4 and 6 requested by Cllr Bridge and Cllr Mynott.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

**1.To approve the response to the Draft New London Plan as set out in Appendix A (of the report).**

#### **Reasons for Recommendation**

The Draft New London Plan was at the final stages of the plan making process. The plan was expected to be submitted for an examination in public in Autumn 2018. This would be the Council's final opportunity to make representations regarding the London Plan.

It was considered appropriate that Brentwood Borough Council expressed general support for the draft London Plan, whilst seeking clarification and additional information on some of the proposed policies regarding the approach to meeting housing targets and proposals for the Wider South East.

#### **283. Urgent Business**

There were no items of urgent business.

The meeting concluded at 8.40pm

**SITE PLAN ATTACHED**

**HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX**

**REMOVAL ON CONDITION 5 RESTRICTING SITING AND USE OF MARQUEE BETWEEN APRIL AND OCTOBER ONLY ON APPLICATION 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)**

**APPLICATION NO: 17/01547/FUL**

<b>WARD</b>	Hutton East	<b>8/13 WEEK DATE</b>	22.11.2017
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**PARISH**

<b>CASE OFFICER</b>	Ms Tessa Outram	01277 312500
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**Drawing no(s)  
relevant to this  
decision:**

7472 100 02;  
16276-ph Rev B;  
747-404-02;  
7472\_100-00;

This application has been referred by Councillor Hossack on the grounds that the removal and re-erection of the marquee would have a greater detrimental impact on the Listed Building than if it were to be permanent structure and would result in increased disruption to the grounds. In addition, the marquee would have no visual impact on the amenity of the building or the Green Belt.

## **1. Proposals**

Planning permission 15/00755/FUL was granted by the Planning Committee on 29th February 2016 for the change of use of an existing Grade II\* Listed Building and its grounds to a wedding and events venue with the formation of an associated car park and for the construction of seasonal marquee.

The permission was granted subject to 26 conditions. Condition 5 of the permission states:

*The marquee hereby approved shall only be erected and used between April and October inclusive, per calendar year and must be dismantled in its entirety no later than the first week of November and not erected within the site at any other time.*

*Reason: The siting and appearance of the marquee impacts negatively upon the setting of the Grade II\* Listed Building and therefore conflicts with National and Local Planning Policy and is therefore only permitted on a temporary basis to facilitate the use of the building hereby approved. The siting of the marquee in this location would not be permitted on a permanent basis in the interests of the setting of the Grade II\* Listed Building and the character and appearance of the Conservation Area.*

The proposal seeks to remove this condition to allow the marquee to remain permanently erected.

## **2. Policy Context**

RLP Policy: Policy CP1 General Development Criteria  
Policy GB1 New Development

Policy GB2 Development Criteria  
Policy C14 Development affecting Conservation Areas  
Policy C16 Development within the Vicinity of a LB  
Policy PC4 Noise

NPPF Sections: Core Planning Principles  
Chapter 12 (Conserving and Enhancing the Historic Environment)

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by

the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

### **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. -Application Permitted

### **4. Neighbour Responses**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

Five neighbour representation letters were received, four of which objected to the proposed development. The concerns arising from the objection letters included:

- Not clear what the benefits of the proposal are
- Original restrictions have been ignored
- Applicant is in breach of conditions
- Conflict of interest between councillor and applicant
- The original reasons for imposing the condition still stand
- Moving the marquee would be hugely detrimental to the Listed Building and neighbours
- Economic benefits are beneficial to the owner not the Listed Building
- Business plan should have taken into account the removal and erection of the Marquee
- Venue does not bring any revenue to Brentwood
- Similar conditions should be attached to prevent noise and disturbance to residents if the application is approved

### **5. Consultation Responses**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via

Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Bats - Mrs S Jiggins-** No comments received at the time of writing this report.
- **Essex Badger Protection Group-** The Essex Badger Protection Group has no objection to this application.
- **Essex Wildlife Trust-** No comments received at the time of writing this report
- **Natural England-** Natural England currently has no comment to make on the removal of condition 5.
- **Environmental Health & Enforcement Manager-** No comments received at the time of writing this report.
- **Historic England-** Historic England were consulted regarding the original application 15/00755/FUL in 2015 for change of use of the house and grounds to a wedding and events venue with the formation of associated car park and construction of a seasonal marquee. In principle, we considered the change of use to be sympathetic and that it would not cause harm to the significance of the grade II\* listed Hutton Hall. However, we were of the view that the scale of the marquee would result in an unacceptable intensification of the use of the overall site and its siting, in such close proximity to the grade II\* listed building, would cause severe harm to its setting. We therefore recommended that the application for planning permission be refused by your authority. That application was approved against our advice and that of your planning officers. The current application seeks removal of Condition 5 of that approval, that restricts the use of the marquee to between April and October only. Historic England object to the removal of Condition 5 and recommend that the application be refused by your authority.

Approval is sought for the removal of Condition 5 of Application 15/00755/FUL that was imposed to restrict the siting and use of the marquee to between April and October. The marquee, which has a footprint of approximately 26m x 9m, is located immediately adjacent to the existing conservatory.

The National Planning Policy Framework establishes a presumption in favour of sustainable development. In pursuit of this it requires economic, social and environmental gains to be pursued together, an exercise which entails seeking positive improvements in the quality of the built, natural and historic environment (NPPF, 7, 9). The Framework requires, in the pursuit of good design, that development should establish a strong sense of place and respond to local character and history (NPPF,58). In respect of the historic environment, the

Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and new development making a positive contribution to local character and distinctiveness (NPPF, 131). It also states that great weight should be given to the conservation of heritage assets and their significance (NPPF, 132). Harm to such assets and their significance should require clear and convincing justification (NPPF, 132). Should proposals give rise to harm, planning authorities should weigh that harm against such public benefits as would also arise, including securing its optimum viable use (NPPF, 134).

When considering the original application Historic England stated that the scale and siting of the marquee - immediately adjacent to the conservatory - were wholly inappropriate. The implementation of that approval, against our advice, has already resulted in the significance of the listed building being harmed through the severe impact that the marquee has made upon the setting of the grade II\* listed Hall. The proposed removal of the Condition limiting the use of the marquee between April and October would substantially exacerbate the existing contextually unsympathetic situation.

#### Recommendation

Historic England object to the application on heritage grounds. The scale and siting of the marquee, which was approved against our advice, have already caused severe harm to the significance of the setting of the grade II\* listed Hutton Hall and the proposed removal of the time-limiting restriction on the use of the marquee would inevitably substantially aggravate the situation. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131 and 134.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

- **County Archaeologist-** The removal of this condition has no archaeological implications and no further work is required at this.

- **Highway Authority-** Condition 5 - restricting siting and use of Marquee between April and October only; The Highway Authority has no comments.
- **Historic Buildings And Conservation Officer-** Hutton Hall is located centrally within the Hutton Village Conservation Area; designated in 1986 - this location has origins prior to the Domesday 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. 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.

In my advice of 2015, I highlighted concerns in respect of the marquee and its siting within the immediate context of the Grade II\* listed building as follows:

'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'(PMCA 2015).

This grade II\* listed building which also includes a grade II listed walled garden within its curtilage, is a highly significant Heritage Asset which contributes to the Hutton Village Conservation Area. Its architectural interest, landscaped gardens and social significance culminated in the designation of Hutton as a Conservation Area in 1986.

Within this application there were originally no detailed drawings of the marquee, these have now been submitted. The marquee is sited within the immediate setting of the Grade II \* Listed building, it measures over 85' in length and is positioned almost abutting the listed building.

Having assessed the information, including the drawings recently submitted with block plan and elevations, I advise the permanent siting of this substantial structure would undoubtedly impact negatively. Therefore, the removal of Condition 5 would result in severe harm to the setting of the Hutton Hall on a permanent basis.

It is important to state there is an intrinsic relationship between the House, its formal gardens and how such are experienced cohesively.

Consequently, in the interests of safeguarding the setting of Hutton Hall for the future, I consider this proposed variation of the Condition to be unacceptable and severely harmful.



- **Arboriculturalist-** No comments received at the time of writing this report
- **Council For The Protection Of Rural Essex-** No comments received at the time of writing this report.

## 6. Assessment

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, since the application involves the impact on the setting of nationally recognised important listed building, the decision making has a legal duty to have regard for legislation: section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 occupied by a large Grade II\* Listed Building within extensive grounds. 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.

The main issues for consideration are:

- Whether the proposal would be inappropriate development in the Green Belt or result in any other harm to the Green Belt
- 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.
- The effect of the proposal on the living conditions of nearby residents especially as regards to noise and disturbance
- The balance between any harm arising from the proposal and those benefits.

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 Council considered the erection of the marquee to be an exception to inappropriate development as it would be a proportionate extension to the original building (Hutton Hall).

Heritage issues

The heritage assets in this instance are the Grade II\* Listed Building, Hutton Hall, and the Grade II Listed walled garden and the Hutton Village Conservation Area (CA).

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 possesses. 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.

Historic England (HE) is a statutory consultee and has commented on the proposal, their comments are set out above in full and there is no need to repeat them here, but in summary, it considers that the marquee already impacts negatively upon the significance of the setting of the listed building and to allow it to become a permanent structure would substantially exacerbate the existing contextually unsympathetic situation.

The Council's Historic Buildings Consultant (HBC) has also commented that the permanent siting of this substantial structure would undoubtedly impact negatively on the setting of the Listed Building by way of its scale and siting. Therefore, the removal of Condition 5 would result in severe and permanent harm to the setting of the nationally important Grade II\* Hutton Hall. She concludes that the proposal to remove or vary the condition is unacceptable.

When considering heritage assets, the NPPF identifies only two levels of harm – “substantial” and “less than substantial”. The NPPF sets a high bar for “substantial” harm which is limited to a complete or substantial loss of a heritage asset. For that

reason, “less than substantial” embraces a very wide range of harms. It is instructive to note that both Historic England and the Historic Buildings and Conservation Consultant place the harm that would be caused to the listed building as ‘severe’ and officers interpret this to mean as being at the “top end” of “less than substantial”. It follows that this would also result in detrimental harm to the character and appearance of the historic curtilage including the grade II listed walled garden and the Hutton Village Conservation Area.

Policy states that where harm has been identified, permission should only be given where it is demonstrated that the harm is outweighed by public benefits; public benefits should flow from the proposed development and 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.

The Council’s Historic Buildings officer confirms that the Listed Building is not currently 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). As such, permission should only be granted in this instance if it can be demonstrated that removal of the condition will result in securing the optimum viable use of the heritage asset.

The applicant states that the marquee is an important marketing tool to show the quality of the space and setting when attempting to secure bookings for the wedding venue. The applicant has submitted a ‘viability statement’ in order to demonstrate that the marquee is essential for the successful running of a wedding venue for 12 months a year and that income is being fed back into the maintenance of the restoration of the listed building.

Officers have reviewed the viability information submitted and conclude as follows:

- **Lack of commercial need** - The planning statement for the original application indicated that the smaller weddings that were likely to be held in the winter months (Nov-March) could be held internally suggesting there is no real commercial need for a marquee in the winter period.
- **Marketing the marquee** – The marquee is marketed online as part of a wedding package (mainly orientated towards spring, summer and autumn) and there is little in the submitted viability statement to provide a direct correlation between the increase in bookings and the benefits of having a physical marquee on site throughout the year. A number of factors will be leading to an increase in popularity of the venue with the marquee being a relatively small aspect of a much larger marketing or sales package.
- **Inconclusive data** – With the limited range of data presented in the viability report and the lack of any evidenced direct correlation between the presence of the marquee and an increase in bookings, it is pure supposition that the removal of the

marquee might have led to a loss of bookings, had it rightly been removed as required under condition 5 of the original planning permission. As noted, the increase in bookings could be down to a wide range of factors.

- **Business planning** - The financial information provided within the viability statement indicates the bulk of the expenditure has been on the main listed building which is its unique selling point as a wedding and events venue (not the marquee). In addition, given that there are further significant capital and revenue costs indicated over the next few years, it is concerning that no detailed information has been submitted in the viability statement on business breakeven and the forecast additional income the permanent marquee would deliver against the current temporary marquee structure. As with any commercial venture, viability will be down to a number of factors, with the marquee being potentially a very limited aspect.

Without the submission of a full business case/plan it cannot be concluded that a viability case can be made for the removal of the condition, furthermore the information provided fails to demonstrate that the retention of the marquee during the winter months would be able to provide adequate financial income to secure the maintenance of the Listed Building and its long-term conservation.

The applicant draws attention to a similar operational development for a marquee at Hylands House which was subsequently approved by Chelmsford Council, despite an objection from HE – however the two cases are not comparable - the venues have different functions and are of differing scale.

In conclusion, the information provided within the viability statement submitted fails to demonstrate a clear viability or business case for the permanent siting of the marquee as opposed to its current temporary use.

#### Impact on neighbours

The siting of the marquee is to the rear of Hutton Hall and the distance from the nearest neighbouring dwellings is around 120m. In determining the original application, it was held that the noise emanating from the use would not be harmful to the amenity of occupiers of those closest to the site, subject to conditions. The Environment Health Officer has made no comments regarding this proposal, and subject to the restriction of amplified noise / music in line with the original permission, the restrictive use of the marquee for dining only, hours of operation and maximum seating, the use would not be harmful to the living conditions of nearby neighbours.

## Other Matters

Most of the neighbour concerns raised have already been considered above, the objections concerning a breach of condition are noted but do not fall to be considered as part of the current application. The marquee will remain in the same position as originally approved.

## Planning Balance

The applicant maintains that the main benefit of the proposal is that of an income that will assist in providing funding for the ongoing maintenance of the heritage asset, thereby safeguarding the future of the Grade II\* Listed Building.

However, the financial information submitted in support of the proposal fails to demonstrate that the permanent siting of the marquee would result in essential income and that if the application were to be refused, it would result in the demise of the heritage asset or that its ongoing maintenance or upkeep would be at risk. It does not demonstrate that by allowing the permanent siting of the marquee, it would result in an increased level of income that would make possible the long-term maintenance of the heritage asset.

When originally approved, the Planning Committee considered that the change of use of the site would only be acceptable if the marquee were for a temporary arrangement with a reasonable period in which summer weddings could take place. That situation has not changed. The removal of the need to comply with condition 5 would effectively approve a permanent building that would have an even more harmful impact on the setting of the grade II\* listed building, listed walled garden and the character and appearance of the Conservation Area than already exists.

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. In this instance it has not been demonstrated that the proposal would be the optimum viable use for the building, and nor would it preserve or enhance the setting of the listed building.

The proposal is therefore clearly in conflict with the Framework, and with the local plan policy C16 and is therefore recommended it be refused.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 The proposal would result in a permanent structure abutting a nationally important Grade II\* listed building; the harm to the setting of the building would result in material detrimental impact on the significance of the Grade II\* Listed Building and the Grade II Listed Walled Garden. It would neither enhance or preserve the appearance of the Hutton Village Conservation Area. This harm would be material, but in the terms of Chapter 12 of the National Planning Policy Framework (NPPF), it would be less than substantial. The public benefits of the proposal do not clearly outweigh the harm identified including making optimum viable use of the heritage assets, contrary to Chapter 12 of the NPPF, the NPPG and Policies C14 and C16 of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 INF05 Policies

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

2 INF20

The drawing numbers listed above are relevant to this decision

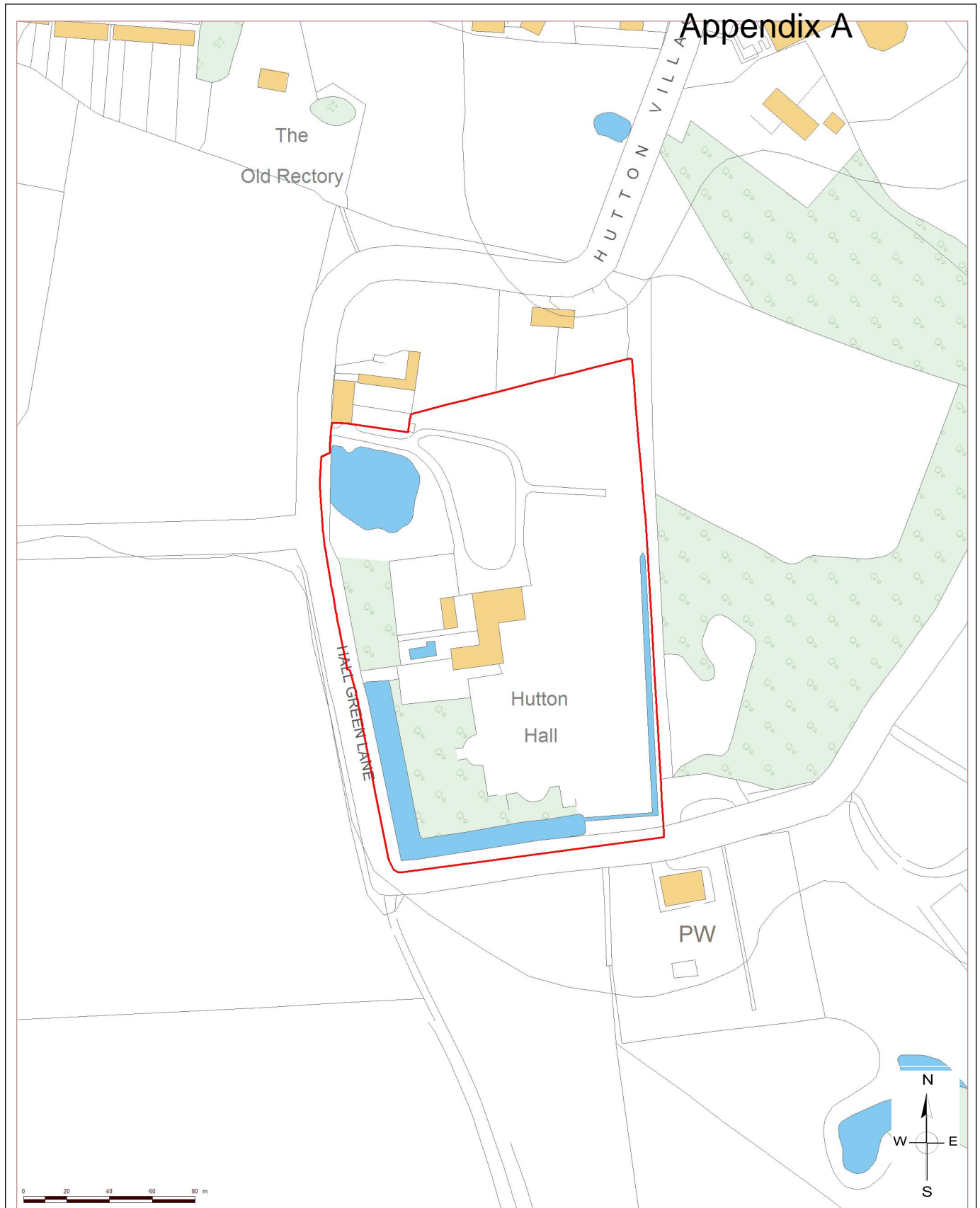
3 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

*BACKGROUND DOCUMENTS*

**DECIDED:**

**Appendix A: Site Map**



Title : Hutton Hall Hutton Village

17/01547/FUL

Scale at A4 : 1:2500

Date : 26th March 2018

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



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Item 4 – South Essex Golf and Country Club

17/01528/FUL

Report to follow

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Appendix A



Title : South Essex Golf And Country Club, Brentwood Road

17/01528/FUL

Scale at A4 : 1:3000

Date : 26th March 2018

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



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## COMMITTEE REPORT

**Reference:**  
17/01533/FUL

**Site:**  
33 - 37 High Street  
Brentwood  
Essex  
CM14 4RG

**Ward:**  
Brentwood North

**Parish:**

**Proposal:**  
Demolition of no 35 and no 37, part demolition, part retention of no. 33 and construction of part 3, part 4, and part 5 storey building comprising of five ground floor retail units, and 15no. residential units (8no. 1 bed units; 7no. 2 bed units). Construction of additional five storey building to rear of the site comprising ground floor, SME (flexible retail/office) use, and 4no. 2 bed units.

**Case Officer:** Mr Nick Howard

**The application is presented to committee as it is a major proposal within Brentwood High Street.**

### 1.0 DESCRIPTION OF PROPOSAL

The site is comprised of two separate parcels of land which covers units 33-37 High Street (plot A), and a triangular plot to the north (plot B). Both plots are located within the Brentwood Town Centre. Units 35 and 37 will be demolished and replaced in their entirety. The building structures of units 33, 33a and 33b are to be retained at ground and first floor level, with internal/external alterations.

Unit 33 will have two storeys and a pitched roof capable of accommodating residential units. The ground floor will have three retail frontages, and there will be 3 flats on each of the first and second floors totalling 2 x one bed units and 4 x two bed units.

Unit 35 will have three storeys and a pitched roof capable of accommodating further units. The ground floor will have one retail frontage, and there will be 2 x two bed units on each of the three floors above – providing a total of 6 residential flats.

Unit 37 will be a four storey, with a similar pitched roof with retail use on the ground floor, and 1 x two bed unit on each of the floors above. It will provide in total 3 residential flats.

In total, Plot A will retain all five retail units on the ground floor and offer 15 residential units.

The design of Plot B is a five-storey building with flexible retail/office use at the ground floor, and residential units above; each floor will provide 1 x two bedroom unit. The ground floor will also include a cycle and bin storage. In total the proposal will provide one commercial unit and four residential units above.

## **2.0 RELEVANT HISTORY**

The site has no relevant history to this application however, the following approval refers to the adjacent site known as Culyers Yards and is currently under development:

14/01261/FUL Construction of a building accommodating retail (Class A1) at Ground floor level, 13 No. residential flats over the three upper floors and a pedestrian footpath link between William Hunter Way and High Street. Approved 16 February 2015.

## **3.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

The Transport Statement that accompanies the planning application has been given due consideration. Although the proposal makes no provision for off-street vehicle parking, this will not impact highway safety as the immediate highway network is protected by parking restrictions.

The site is in a sustainable location with good access to all of the town centre's facilities including frequent and extensive public transport services. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions

- **County Archaeologist-**

The Essex Historic Environment Record (EHER) shows that the proposed development lies within the medieval settlement of Brentwood (EHER 525), which was first mentioned in 1176. In view of this, the County Archaeologist has suggested a number of conditions in line with the National Planning Policy Framework:

- **Anglian Water Services Ltd-**

The applicants plans show that they are intending on connecting into Thames Water's network. Therefore, we have no comments to make.

- **Arboriculturalist-**

The only vegetation growing on the site are a number of small self-sown sycamores and shrubs on the boundaries of the car parking area off William Hunter Way. They do not have any significant amenity value and there is no objection to their removal. The proposed layouts would not provide any opportunity for new planting; however, this is not considered to be an issue and would be in keeping with the adjacent Culvers Yard.

Two mature street trees within the footway of the High Street are likely to be affected by the raised elevations. The lime near No 33 and the London Plane near No 37 have branches that extend towards the buildings. It is likely that some works will be required to reduce/remove some branches to avoid them being damaged during construction. If these works are done sympathetically it is not considered that there should be any significant issues. The trees are on highway land and it is assumed that the developer would cover the costs of any works. Due to the proximity of the trees to the facades it is likely that there will be ongoing post-development pressure to cut the trees back.

- **Essex & Suffolk Water-**

We have no objection to this development subject on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- **Historic Buildings and Conservation Officer-**

No objections subject to conditions. The Historic Buildings Officer (HBO) comments are included in the assessment section of the report.

#### **4.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

No representations have been received

#### **5.0 POLICY CONTEXT**

Brentwood Replacement Local Plan (BRLP) 2005:  
TC3/H4 Mixed Use Development  
TC4/H5 Use of Upper Floors Above Commercial Properties  
H6 Small Unit Accommodation

CP1 General Development Criteria  
T14 Cycling

NPPF Sections: Paragraphs 23 & 60.

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

## **6.0 ASSESSMENT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

The existing site is comprised of as follows:

### **PLOT A**

The site is on the northern side of the High Street, and contains units 33 to 37, which are designated within a primary shopping frontage and a conservation area. On either side of it to the northeast and southwest are retail units which are also designated within the primary shopping frontage. The units are in A1 (retail) use.

Unit 33 - a flat-roofed, two storey unit constructed during the 20th Century. To the northeast is another retail frontage of similar height and design

Unit 35 – a pitched-roof, two storey unit constructed during the 19th Century. The height of both the pitched roofs and the façade is irregular.



Unit 37 – a flat-roofed, two storey unit constructed during the 20th Century. This is lower in height than the other two units. To the south west is a three-storey retail unit, currently occupied by Marks and Spencer.

#### PLOT B

The site is to the north of plot A, and triangular in shape. It comprises hardstanding. To its west lies the Culyers Yard development, with William Hunter Way along its northern border.

The assessment below covers the following areas:

#### Principle of the Development

The site is located within Brentwood High street area. Site A comprising 33-37 High Street is situated within a primary frontage. The site which also includes Site B at the rear is 'allocated' for residential, offices and retail use. Both sites are located in Brentwood Conservation Area.

The National Planning Policy Framework in Paragraph 23 seeks to ensure the vitality of town centres and recognises the important role that residential development can play.

Polices TC3/H4 of the Brentwood Replacement Local Plan refers to mixed use development and states that within the area allocated for residential/offices/ shops and in any other redevelopment proposals involving commercial development outside the residential/offices/shops allocation, the opportunity should be taken to provide new residential accommodation as part of a mixed-use development. The proposal is for retail on the ground floor with residential above on both parts of the development and therefore complies with Polices TC3/H4.

Polices TC4/H5 refers to the use of upper floors above commercial properties. The policy states that changes of use of upper floors above existing commercial premises to residential accommodation will be encouraged within the town centre, particularly to provide affordable units of accommodation, providing the following criteria can be satisfied:

- i) reasonable facilities and amenities are provided for prospective occupiers
- ii) the development does not result in demand to replace storage space that may be lost

Although the proposal is not technically a change of use, it is a redevelopment, the proposal provides residential accommodation on the upper floor of both sites. In addition, the level of accommodation is considered reasonable. The proposal therefore complies with Policy TC4/H5.

Policy H6 refers to small unit accommodation which seeks to ensure the provision of a mix of units on suitable sites of 6 units and above, with at least 50% of total units being 1 and 2 bedroom properties, except where it can be demonstrated that such a mix of units will be inconsistent with the character of existing development in the area or where

such provision cannot be adequately accommodated on the development site. The proposal is for 19 residential units, therefore the policy applies. However, all of the units are either one or two bedroomed apartments. The proposal therefore complies with Policy H6. Furthermore, the proposal includes the provision of 19 residential units which will make a welcome contribution to the Council's housing need.

As such, the principle of development is acceptable.

#### Affordable housing

Policy H9 requires the provision of affordable housing on suitable sites of 20 residential units and above or on suitable residential sites of 0.66 hectares or more within the Brentwood urban area. Although the site is within the urban area, it falls below the threshold of 20 units required to provide affordable housing.

#### Design, character and appearance

Paragraph 60 of the NPPF promotes good design through local distinctiveness, directing that planning policies and decisions should not seek to impose architectural styles or stifle innovation.

Policy CP1 sets out that development should have an acceptable impact on visual amenity, residential amenity and be of a high standard of design; satisfactorily accommodate travel demand, and should not give rise to an unacceptable detrimental impact on health, the environment or amenity; and should be expected to take full account of the need to conserve or enhance the character, appearance, biodiversity and historical and archaeological heritage of the site and the surrounding area.

Policy C14 refers to development affecting conservation areas, and this directs that when considering applications for development within and in the vicinity of conservation areas, special attention will be given to the need to preserve or enhance their character or appearance.

Advice has been sought from the Historic Buildings and Conservation Officer (HBO): In terms of the buildings within the core of the High Street, it is evident the proposed architecture is responding more successfully, with emphasis being afforded to the fine historic grain of the High Street; this is apparent in the definition and division of the buildings as viewed from the public realm.

A strong contributor to character within the Brentwood Town Centre Conservation Area is the variety of scale and detailing. The existing postmodern buildings are of a greater scale than the historic buildings and at the very least these should not be challenged to a degree where the scale becomes contextually inappropriate in the largest constituent part of the Conservation Area.

Further to the HBO's initial observations and following extensive discussions and revisions, she notes that the scheme has been positively progressed; in terms of the revisions, it is evident there has been examination of the roofscape and a stronger understanding and response to the finer grain of the High Street as a whole. Her view is that this has resulted in a much improved scheme with the verticality emphasized, and a reinforcement of the fine grain all resulting in a reduced 'block' approach to Town Centre development.

A more detailed development for fenestration proposals has been carried out and the alley way for pedestrian permeability to William Hunter Way is enhanced with a diaper work pattern. At roof level there is not a consistent approach to dormers, such variety will introduce a stronger sense of individuality; there is an introduction of external roof space with planting, this is important to ensure urban ecology and appearance have been considered alongside residential amenity.

Officers consider that in order to ensure the delivery of the development at the high level design achieved through discussions, conditions relating to prior agreement of materials and detailing is reasonable and appropriate.

In summary, subject to conditions, the scheme is considered to be of 'Good Design' as set out in the NPPF, and would serve as an enhancement to the Conservation Area. The proposal complies with Policies CP1 and C14.

#### Car parking provision

The proposal does not include any car parking spaces. However, both sites are situated within the Town Centre, which has good access both to local public services, and to public transport. The proposal also provides storage for 15 bicycles and accords with adopted policy T14 which seeks to promote the use of bicycles. Based on the comments of the Highway Authority, this approach is considered acceptable.

#### Impact on neighbours

The nearest neighbouring residential properties are situated to the west of site B. The neighbouring site comprises Culyers Yard which is a four-storey development with residential above a commercial ground floor, fronting onto William Hunter Way. Within the residential element there are a number of windows facing towards site B. A daylight and sunlight report, prepared by the applicant, assessed the impact of the proposal on the neighbouring building. The report notes that the existing access to light within living/kitchen/dining rooms at Culyers Yard are already below levels recommended by the Building Research Establishment (BRE), and that rooms are further hampered by heavily recessed windows. Even before factoring in the effect of the proposed development, the report states the access to light at Culyers Yard is already heavily compromised.

The report concludes that with regard to Culyer's Yard, this property is unduly sensitive and reliant on light from across the site due to its extremely close 'unneighbourly' positioning.

along the site's boundary; its self-imposed design constraints, which exaggerate the sensitivity to changes in massing on the site; the low-rise nature of the existing massing on the site. Under these circumstances, any meaningful development, more in keeping with the height of taller surrounding buildings, will inevitably result in deviations from the default target values of the BRE guide opposite this property. Nevertheless, most of the windows and rooms below guideline levels are either minor deviations, satisfy at least one of the daylight tests or relate to bedrooms, which are less important than other room uses. The detailed assessment reveals that the majority of rooms will satisfy the guideline and it is worth noting that, if one were to factor in all rooms within Culyer's Yard on this basis (i.e. including those facing away from the development), the vast majority of habitable space will either satisfy the guidelines or be unaffected.

On the basis of the submitted report, officers consider the proposal on site B will not be materially harmful to the living conditions of the neighbouring residents in Culyers Yard or the potential residents.

## **7.0 Planning Balance**

The proposal represents a quality design providing retail and a welcome contribution of 19 dwellings in the town centre. The proposal will enhance the character and appearance of the conservation area and for site B will provide a further enhancement to the street scene on William Hunter Way.

## **8.0 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 U23857**

No development shall take place until a sample panel 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 U23856

No development shall take place until samples of windows and doors to be used in the construction 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.

5 U23858

No development shall take place until a sample panel of the pattern to be used on the external wall adjacent to the proposed footpath link 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.

6 U23859

Notwithstanding the details illustrated on the approved plans and accompanying documentation, prior to the commencement of works a detailed section plan at a scale of 1:20 showing the balcony, landscaping/railings and amenity area of a top floor apartment shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in strict accordance with the agreed details.

Reason: In the interests of preserving the character of the Conservation Area.

7. Before the development is first brought into use cycle parking shall be provided in a secure, convenient and covered facility, 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 T14 of the Brentwood Replacement Local Plan.

8. Prior to first 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 each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

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

9. 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

10. Prior to the commencement of any works of demolition or construction, including preliminary groundworks, a scheme for the archaeological investigation of the site, including a timetable for that investigation, shall be submitted to and agreed in writing by the local planning authority. The results of the investigation shall be submitted to the local planning authority prior to the commencement of any works and, if necessitated by the findings of the investigation, those results shall be accompanied by a programme of excavation, recording and where necessary the protection and preservation of remains of archaeological or historic significance. No development or preliminary groundworks shall take place until the local planning authority has approved that programme and the development shall only take place in accordance with that programme or any variation as may be agreed in writing by the local planning authority.

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

11. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

Reason: The site lies within an area of known archaeological interest.

12. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: The site lies within an area of known archaeological interest.

13. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site lies within an area of known archaeological interest.

Informative(s)

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

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.

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

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

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

**Appendix A: Site Map**

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# Appendix A



Title : 33-37 High Street Brentwood

17/01533/FUL

Scale at A4 : 1:1250

Date : 26th March 2018

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



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**SITE PLAN ATTACHED**

**130 KINGS ROAD BRENTWOOD ESSEX CM14 4EQ**

**TWO STOREY ROOF EXTENSION TO EXISTING SIX STOREY BUILDING TO PROVIDE 10 NO. RESIDENTIAL DWELLINGS, EXTERNAL ALTERATIONS, SUB SURFACE WATER STORAGE TANKS, PLANT ROOM, REFUSE STORE, CYCLE PARKING, AND CONSTRUCTION OF A SINGLE STOREY GROUND FLOOR EXTENSION.**

**APPLICATION NO: 17/01971/FUL**

<b>WARD</b>	Brentwood South	<b>8/13 WEEK DATE</b>	08.03.2018
<b>PARISH</b>			
<b>CASE OFFICER</b>	Ms Tessa Outram	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	P0 101 P1; P1 104 ; P1 103 ; P3 101 ; P3 100 ; P2 100 ; P1 105 ;		

## **1. Proposals**

Planning permission is sought for two additional floors to form 10 residential flats; a ground floor single storey extension to the rear; external alterations and façade treatments; the installation of sub-surface water tanks and provisions for a plant room; refuse store and cycle parking associated with the residential units at Ewing House, 130 Kings Road, Warley.

The proposal will increase the height of the building by 2 storeys; 6.1 metres from the existing parapet level or 2.8 metres from the existing roof level, given the varied height of the existing roof. The proposed ground floor extension will infill the south eastern corner of the building extending 2.6 metres to the east and 1.6 metres to the south to allow for a plant room to be added. The proposed flats will contain a mix of 1 bed and 2 bed units.

The external alterations include the replacement of the existing fenestration and a façade upgrade using stained black bricks, white mosaic and light cement panels and dark grey aluminium window frames.

The existing pedestrian access to the building is unaltered. 10 cycle storage spaces are to be provided for the 10 residential units, as well as an internal refuse store. A Solar PV system is to be erected on the roof of the building and underground water tanks are to be installed to supply domestic water and the building's sprinkler system, with landscaping proposed above ground. The existing ground floor retail units are to be retained and do not form part of this application.

## 2. Policy Context

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy:      Policy CP1 General Development Criteria  
                         Policy H6 Small Unit Accommodation  
                         Policy H14 Housing Density  
                         T2 Transport and Highway Considerations  
                         PC4 Noise

NPPF Sections: Core Planning Principles  
                         Chapter 7 (requiring good design)

Local Development Plan:

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for

an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

### **3. Relevant History**

- 17/00792/PNCOU: Prior Approval Notification Class O - Change of use of floors 1-5 from office space Class (B1(a)) to residential use to create 40 units Class (C3) -Prior Approval is Not Required

### **4. Neighbour Responses**

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

41 neighbour representation letters have been received objecting to the proposed development at the time of writing this report. The summarised concerns arising from the objection letters include:

- Lack of parking
- Overdevelopment of the area
- Result in increased traffic congestion and lead to highway safety concerns
- Scale not appropriate
- Overlooking and daylight reduction to surrounding residents
- Emergency services will have reduced access because of unlawful parking and congestion
- Overshadowing to Gresham Rd properties
- Strain on infrastructure
- Noise pollution during construction
- Security concerns – lead to anti-social behaviour
- Out of character with Victorian properties

### **5. Consultation Responses**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Design Officer-**Thank you for consulting on this application at 130 Kings Road in respect of Design. The proposed development site is located within the geographic scope of the Brentwood Town Centre Design Plan. Having assessed the submitted information I advise the principle of increased massing at this location is acceptable by Design. The façade proposals and new materiality are also considered appropriate to context.

In summary Design raise no adverse comments to this application.

- **Anglian Water Services Ltd-**

**Surface Water Disposal**

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

**We request that the agreed strategy is reflected in the planning approval**

**Suggested Planning Conditions**

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority.

No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

To prevent environmental and amenity problems arising from flooding.

- **Highway Authority-** A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal makes no provision for off-street parking; however the immediate highway network is protected by parking restrictions. The proposal site is located very close to regular public transport services. In main urban areas with frequent and extensive public transport, cycling and walking links, reduced parking standards may be applied to

residential developments, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions including a Construction Method Statement ; Cycle parking shall be provided in accordance with the EPOA Parking Standards; Provision and implementation of a Residential Travel Information Pack

**Essex & Suffolk Water-** no objection to this development subject to compliance with our requirements

- **Environmental Health & Enforcement Manager-** The Environmental Health Department are satisfied with the noise assessment report produced by WSP and have no objections to this application.

## 6. Assessment

The site is located on the corner of Kings Road and King Edward Road, Brentwood and measures 0.87 hectares (8,700 sqm). It is occupied by a six-storey building, comprising three ground floor retail units and five upper floors of office space (see planning history below). Within the land ownership is the car park to the rear of the building.

The surrounding area is a mix of commercial units and offices as well as residential dwellings to the north and east and Brentwood railway station 120m to the south. There is a change in topography along Kings Road, with levels increasing to the north and south of the site.

### Planning History

Prior approval has been granted for 40 residential units to the first, second, third, fourth and fifth floor of the existing building; application ref: 17/00792/PNCOU.

### Principle of the Proposal

One of the core planning principles in the National Planning Policy Framework is to encourage the effective use of land by reusing land that has been previously developed, providing that is not of high environmental value.

The site is in an area allocated for shop/office purposes within the current local plan proposals map, and the ground floor retail units will be retained. Conversion of the existing office space has already been established because of the recent permitted development application 17/00792/PNCOU.

Policy H4 of the local plan seeks to achieve further residential provision as part of mixed used schemes and the opportunity should be taken to provide new residential accommodation as part of mixed use development.

The NPPF is highly supportive of sustainable mixed use development, planning should assist in the delivery of homes and promote mixed use developments. It can actively manage growth to make the fullest possible use of public transport, walking and cycling. Paragraph 23 of the NPPF recognises that residential development can play an important role in ensuring the vitality of town centres. As such, the principle of using this site for a mixed use with retail use on the ground floor and a residential use above is considered acceptable.

### Housing Policies

In terms of density it is important to ensure previously developed sites in sustainable areas of this nature are used as effectively as possible, as advocated by the NPPF and to relieve pressure on undertaking new development within the Green Belt.

The proposed density of this development is 57 dwellings per hectare (dph), (including the conversion of the lower floors to residential via permitted development). Policy H14 of the local plan identifies that densities in excess of 65 dwellings per hectare would be expected in locations with good public transport accessibility. Surrounding developments within Kings Road have similar and higher densities, as such the density proposed is considered acceptable.

In terms of housing mix, the proposal seeks to provide 10 x 1 and 2 bedroom flats. Policy H6 of the Local Plan states that for developments of this size a minimum of 50 percent of the units should be 1 or 2 bed units. In this instance 100 percent of the units proposed are 1 or 2 bed units in accordance with this Local Plan Policy.

### Design, Character and Appearance

The application site is located within the geographic scope of the Brentwood Town Centre Design Plan, and while this document is not yet formally adopted by the Council, it seeks to identify opportunity sites and how redevelopment can help meet a variety of local needs and future growth, in line with the objectives of the emerging local development plan.

Taller buildings than proposed here are within the immediate vicinity, including the 9/10 storey building of the Premier Inn opposite the application site. In addition, the topography of the area means the building is located at the low level end of where Warley Hill, Kings Road and Queens Road converge, thus when viewed when approaching from these avenues would not appear unduly tall or dominant.



The ground floor extension is modest and is of an appropriate design, in keeping with the appearance of the building. The external alterations will result in the removal of the existing unattractive signaling masts on the roof and the façade treatments proposed will update the building and improve its appearance without significantly altering its character.

It is noted that the Design Officer's supports the principle of increased massing at this location is acceptable and the façade proposals and new materiality are also considered appropriate to its context.

It is therefore considered the roof extensions and increased massing is acceptable; the façade treatments and external alterations will improve the appearance of the building and therefore result in a more positive visual contribution to the surrounding area. The proposal is compliant with policy CP1 (i) and (iii) of the local plan, the NPPF and the NPPG.

#### Impact on Neighbour Amenity

No windows are proposed to the northern elevation. The east facing windows are no closer than the existing windows on lower floors of the building and the nearest habitable room window of residential properties in Gresham road is in excess of 35 metres to the north east, as such the views from these windows would be oblique and would not result in direct overlooking to Gresham Road properties.

The windows to the south would be 16 metres from the adjacent building Kingsgate however given the difference in heights between the two buildings and the proposed upper two floors would not result in any material inter-overlooking between occupiers. Windows to the west would overlook the public realm and would not result in any material overlooking to adjacent buildings. Given the position of the application site and distances between the proposed windows and adjacent commercial and residential properties it is not considered the development would result in any direct or material overlooking that would result in a loss of privacy to surrounding occupiers.

In terms of dominance and an overbearing effect, no part of the proposed development directly adjoins any residential dwellings with distances to Gresham Road and Kind Edward Road properties in excess of 30metres away. Adjoining properties to the north at 124 and 114-122 Kings Road have extant permissions for 4/5 storey buildings with residential use to the upper floors with no facing windows, the proposal would therefore not appear overly dominant in relation to these buildings. The two-storey commercial unit to the east is separated a sufficient distance from the application site by the adjacent decked car park. Given the bulk of the building already exists and the separation distances to surrounding premises it is not considered the addition of two storeys would result in any material harm to the existing residents in terms of dominance and an overbearing impact.

A number of objections have been received in regard to overshadowing and a loss of light. However, this application has been submitted with a sunlight and daylight assessment which considers the impact of the proposed development on the existing dwellings in Gresham Road, King Edward Road and Rose Valley. The BRE report concludes that all properties on Gresham Road and King Edward Road will meet BRE report guidelines with only minor losses to daylight and sunlight that will likely be unnoticed. The properties within Rose Valley are in excess of 100m from the application site and therefore will not be unduly affected. As such, it is not considered that the proposal would result in any material harm to the residential amenity of the adjoining residents or in terms of loss of light, overshadowing or outlook.

In terms of noise and disturbance, the Environmental Health Officer (EHO) are satisfied with the noise assessment report produced and have raised no objections to this application. In response to the neighbour objections it is considered that any noise during construction will be mitigated by the condition for a construction method statement.

It is considered that the proposal would not be unacceptably harmful to the occupiers of the adjacent businesses and residential premises and that it would not conflict with Policy CP1 (ii) of the Brentwood Replacement Local Plan or with one of the core principles of the Framework which indicates that a good standard of amenity for all existing and future occupants of land and buildings should always be sought.

#### Living Conditions

In terms of the sizes of the units, all 10 of the flats are above the minimum size recommended by the nationally recognised DCLG technical housing standards and internal storage areas are also provided for each of the units. Therefore, it is considered that the size of the dwellings hereby proposed would be adequate and would provide adequate living conditions for any future occupiers of the site.

Provision for bin storage and cycle parking would be made at ground floor level.

In terms of amenity space, the Brentwood Replacement Local Plan sets out in Appendix 1 that in urban locations a balcony area of 5sq.m would be acceptable as the outdoor amenity area for flats. In this regard none of the flats proposed would be provided with any balcony or private usable amenity space for the occupiers and therefore the proposed development would not comply with the above stated standards.

However, considering the highly sustainable and urban location of the site, the proximity of the site to areas of informal public open space, and the fact that other proposed developments in this area have been permitted without outdoor private

amenity space, it is considered that the quality of life for the occupiers of the proposed flats would not be below an acceptable level.

### Parking and Highway Considerations

The application site benefits from a decked car park adjacent to the east containing 73 parking spaces which are for the use of the existing office, only part of this car park is indicated to be within the application site. The planning statement and transport assessment states the proposed development would only be implemented together with the permitted development change of use of the upper floors to 40 dwellings and no additional parking will be provided. It should be noted the permitted development was allocated 10 vehicular parking spaces within the existing car park for the 40 dwellings proposed.

The adopted parking standards state that one-bedroom flats should be provided with a minimum of one parking space each and two-bedroom flats will require two spaces. On this basis, a total of at least 14 spaces would need to be provided to comply with this standard. However, the parking standards also state that in urban areas consideration can be given to a reduction in this standard.

A prior approval application for a change of use to residential at nearby property 148-157 Kings Road was previously refused (15/00850/PNCOU) by the council on the grounds of a lack of parking provisions but a subsequent appeal to PINS Inspector gave permission based on the site is in a highly sustainable location and the units sizes would decrease the likelihood of families occupying the units. Material weight should therefore be afforded to this decision in considering similar schemes in similar locations.

The proposal does not include any off-street parking spaces, however given the highly sustainable location of the site and the comments from the Highway Authority, plus the recent appeal decision quoted above; that occupiers of the proposed flats would have access to local services and facilities as well as public transport without the need for use of a private car, it would be difficult to resist such a proposal.

The applicant has suggested that a condition should be imposed to restrict future occupiers from applying for residential permits to prevent those who do own vehicles parking in oversubscribed nearby residential roads. South Essex Parking Partnership have confirmed that no permits would be issued for this development and as such it is considered there is no need for such a condition.

Neighbour objections have been received in regard to increased highway congestion and safety issues for pedestrians. The highway authority have raised no comments in regard to highway safety, and no demonstrable evidence has been submitted to support that view. The proposal would retain the existing vehicular

access and would not reduce visibility to road users and therefore comply with Local Plan policy T2.

### Flooding and Drainage

The application site is within Flood Zone 1 and has a very low risk of flooding. The proposal includes the installation of a sub-surface cold water storage tank and sprinkler tank for the use of the building. Anglian Water have commented that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable and that no evidence has been provided to show that the surface water hierarchy has been followed. As such they have recommended that a surface water management strategy should be conditioned into any grant of approval. Subject to such a condition the proposal is acceptable.

### Other Matters

It is not considered that this proposal would encourage any anti-social behaviour over and above that may already occur in the area.

### Planning Balance:

This proposal will make efficient and functional use of the land by the development of an existing developed site in a highly sustainable area. The Council cannot currently demonstrate a 5 year housing supply as required by government and the provision of 10 smaller sized units (1 and 2 bed apartments) on the site will help to provide good quality accommodation towards Brentwood's housing supply. Although no off street parking is supplied, it is considered that the proposal would represent a sustainable form of development which in line with the aims and objectives of the National Planning Policy Framework and should be approved without delay.

## 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 U23839

No development shall take place until samples of the materials, to be used in the construction of the external surfaces of the building hereby permitted have been viewed on site 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 U23967

No development shall take place above ground level 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 by the Local Planning Authority in writing. The development shall be carried out in strict accordance with the approved details.

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

5 U23968

The cycle parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development and retained at all times.

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

6 U23969

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

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

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 to safeguard the amenity of neighbouring residents.

7 U23970

Prior to first occupation of the development, a Residential Travel Information Pack for sustainable transport shall be provided to each new dwelling. The details of the contents of the Pack shall have been submitted to and gained the prior written approval of the local planning authority and shall include six one day travel vouchers for use with the relevant local public transport operator.

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

8 U23971

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.

9 U23972

No development shall take place until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Informative(s)

1 INF01

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.

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 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H6, H14, T2, PC4, the National Planning Policy Framework 2012 and NPPG 2014.

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*

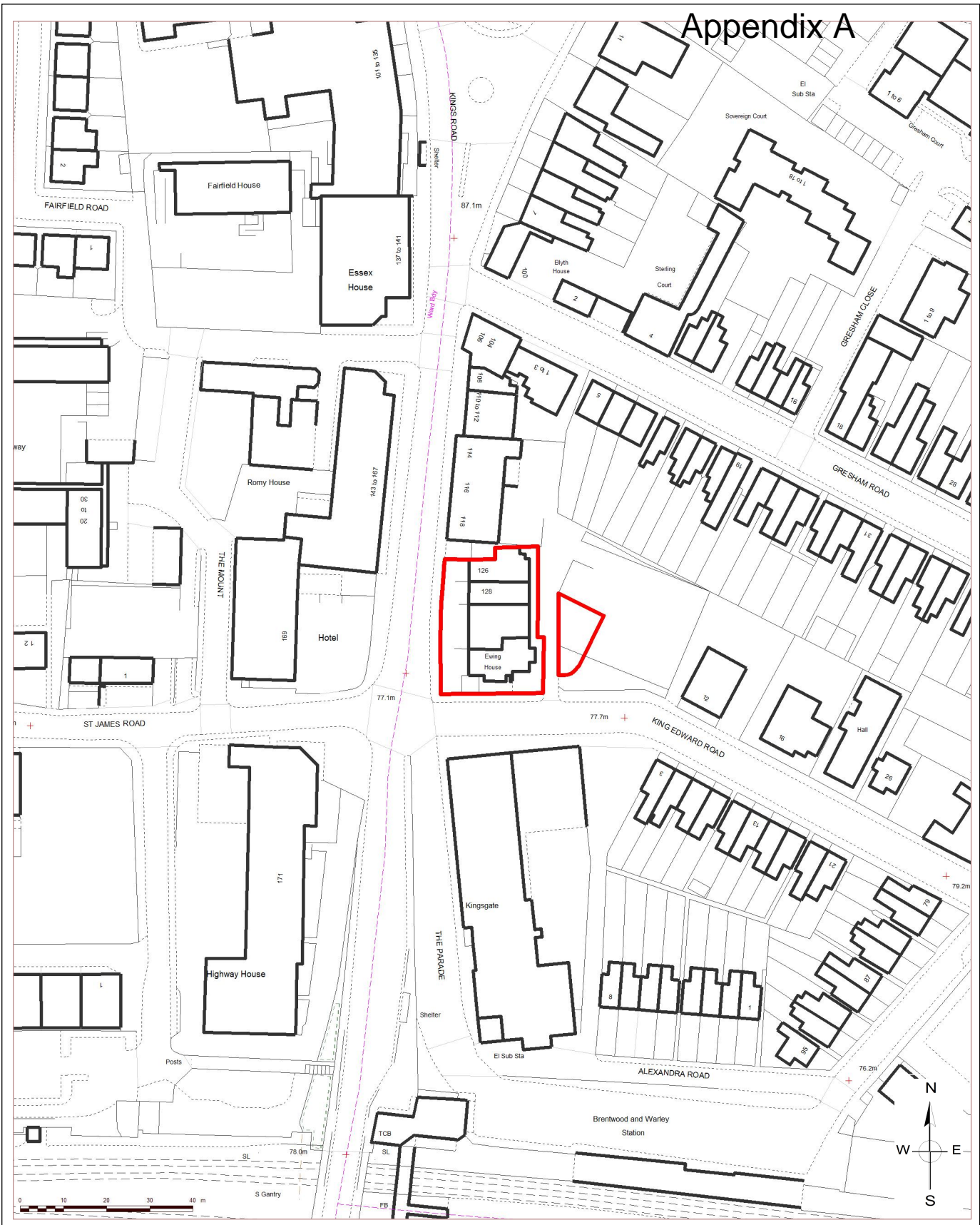
#### **DECIDED:**

#### **Appendix A: - Site Map**

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# Appendix A



Title : 130 Kings Road, Brentwood

17/01971/FUL

Scale at A4 : 1:1250

Date : 26th March 2018

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



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**SITE PLAN ATTACHED**

## **HIGH POINT BEGGAR HILL FRYERNING ESSEX CM4 0PN**

### **DEMOLITION OF EXISTING RESIDENTIAL BUILDING FOR REPLACEMENT RESIDENTIAL BUILDING.**

#### **APPLICATION NO: 18/00075/FUL**

<b>WARD</b>	Ingatestone, Fryerning & Mountnessing	<b>8/13 WEEK DATE</b>	28.02.2018
<b>PARISH</b>	Ingatestone & Fryerning	<b>POLICIES</b>	
<b>CASE OFFICER</b>	Mr Mike Ovenden		01277 312500

**Drawing no(s)  
relevant to this  
decision:**

3275 SK103B;  
3275 SK100A;  
3275 SK101;  
3275 SK110;  
3275 PL01;

#### **This application is referred to committee at the request of Councillor Cloke**

- Existing building is both antiquated and impossible to maintain
- the visual impact of this design would actually improve on what is currently there
- The modern bungalow previous approved in unsaleable and not supported by neighbour
- There is no objection from the arboriculturalist
- No objections from neighbours
- Decisions on sites elsewhere should be taken into account
- The Parish Council has, understandably objected under GB1; however this is a very much a broad-brush approach
- Support comments by highways concerning restoration of verges post development (Officer note: no comment has been made in the highways response on this application)

#### **1. Proposal**

This application relates to the demolition of a postwar flat roof single storey dwelling and its replacement with a two storey dwelling with pitched roof. The position of the proposed dwelling would overlap the existing one. The existing flat roofed garage would also be replaced although no specific elevations have been provided. In that respect

the Design and Access Statement shows two potential design options – one with a crownroof, the other with a pitched roof and forward facing gable. The garage would be alongside the new dwelling.

## **2. Policy Context**

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

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy H7 Single Storey Dwellings
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy GB6 Replacement Dwellings

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

## **3. Relevant History**

- 14/00280/PN42: Single storey rear extension. The proposed extension would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.6m and the proposed eaves height would be 2.5m. -Prior Approval is Not Required
- 14/00414/S192: Single storey side extension and single storey rear extension - Application Permitted
- 15/00315/FUL: Demolition of existing bungalow and replacement bungalow. - Application Permitted

- 15/01214/FUL: Alterations to front and side dormers and extension of eaves to all sides. -
- 15/01215/S192: Application for a lawful development certificate for a proposed use or development for single storey extension to existing bungalow, with alterations to existing windows and eaves detail -
- 17/00880/FUL: Demolition of existing bungalow and garage and construct detached 5 bed house and garage -Application Withdrawn

#### **4. Neighbour Responses**

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- Proposal is a considerable improvement on the existing building
- Reference to other developments
- Proposal has smaller footprint than current dwelling
- Better to have a family sized dwelling

#### **5. Consultation Responses**

- **Arboriculturalist-**

The proposed new dwelling should not have any adverse effects on the existing trees so long as they are adequately protected during construction. An arboriculture method statement is required showing how these trees will be protected. This can be dealt with by condition.

It is not considered that the proposed two-storey dwelling would have any significant adverse landscape or visual effects.

The reduced development footprint would provide more opportunity to provide additional new planting. A landscape condition is sought requiring details of hard and soft landscape treatments.

- **Highway Authority-**

The proposal retains the existing vehicle crossover and provides adequate off street parking and turning, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

- **Parish Council-**

Ingatstone & Fryerning Parish Council raise OBJECTION to planning application 18/00075-FUL - High Point, Beggar Hill, Fryerning, CM4 0PN on the following grounds:

Although the proposed property is smaller in floor area it is over twice the height of the existing building and replacement bungalow which was previously approved by the Borough Council in 2015. The effect of this will be to impact on the openness of the Green Belt and the adjacent Conservation Area to the detriment of both.

A previous application, 17/00290/FUL for Stoneywood Cottage, Mill Lane, Fryerning, was refused by the Borough Council for very similar reasons as those shown above and the same arguments would appear to apply in this instance.

The Applicant compares the proposal to the development at Field House, Fairwinds and Light Oaks but in these instances large properties already existed at these locations. In this case a low aspect property will be replaced by something much bulkier and intrusive.

## **6. Assessment**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning Legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2012 (NPPF) National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevant to this proposal which are listed in section 2 above.

The existing dwelling is a flat roofed single storey dwelling of approx. 2.8 metres in height with chimneys and other small features reaching marginally higher. The proposed dwelling would have accommodation of two floors, a pitched roof with 4 metre eaves, a ridge up to 8.05 metres high with two chimneys extending up 850 mm higher. The footprint of the existing bungalow is roughly L-shaped and the two longest elevations are longer than the proposed dwelling and the sides of the proposed dwelling are up to 11.2 metres long. The footprint and floorspace GFA of the existing bungalow 218 sqm. The proposed dwelling would have a footprint of 149 sqm and a floorspace (GFA) of 297 sqm.

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The local area includes a mix of two storey dwellings and therefore a two storey dwelling would not necessarily be out of keeping with those. Adequate parking to the

property would be retained by the proposal and it would not have a measurable effect on the use of the local traffic network. The proposal does not raise concerns about residential amenity. To that extent the proposal complies with Policy CP1, although the openness of the area and its inclusion within the greenbelt is part of the character of the locality is therefore relevant to this policy and is considered below.

The National Planning Policy Framework (NPPF) is a significant material consideration and where there is a difference between it and the development plan the NPPF, which is newer than the development plan, takes preference. This is relevant in considering replacement dwellings in the greenbelt as the application of the NPPF's measure of 'materially larger' than the existing dwelling supersedes the explicit size limits given in development plan policy GB6.

The NPPF does not quantify what 'materially larger' than the existing dwelling means or how to assess it. Various measures are often referred to including footprint, floorspace, volume or a comparison between elevations/massing and the relevance of each will vary from case to case. For example footprint is not an appropriate measure when comparing a single storey dwelling with one with two storeys. This is the type of development proposed in this application. The proposal involves a replacement building up to 5 metres taller than the existing building. As openness is a visual quality, a comparison between the elevations/massing of the existing and proposed dwellings is a reasonable way to judge the difference in size. The applicant has provided such a comparison in the Design and Access Statement (page 14). This is a clear demonstration that the building would be materially larger and therefore in the terms of the NPPF it is inappropriate development. Such development is defined as 'by definition harmful' and should not be approved except in very special circumstances. The NPPF advises 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has made the following points:

- The dwelling has remained unsold 'for a number of years'
- Size of property makes it of no interest to those wishing to downsize
- Replacement dwellings have been approved on other sites over the years
- Support from neighbours
- Reference to permitted development rights
- Reference to 'sustainability credentials automatically required for new buildings' – assumed to be reference to simple compliance with the building regulations
- Reference to unspecified improvements to biodiversity

None of these amount to very special circumstances. With regard to other permissions referred to by the applicant each application is required to be determined on its own merits and does not involve reassessing other planning decisions on other sites. Those referred to by the applicant either predate the NPPF or were in other districts where different planning authorities reach their own judgements based on the

circumstances of the cases they are dealing with and their policies. A further local case concerning Handley Edge from 2017 has been referred to but is not comparable – it relates to the replacement of a large house with one of very similar proportions to the existing dwelling and had been permitted on a number of previous occasions. The Parish Council quotes a local proposal refused last year on grounds of inappropriate development/ size. With reference to permitted development rights the NPPF makes it clear that the assessment it requires when considering replacement dwellings in the greenbelt is based on the 'existing building' and potential permitted development extensions are by definition not existing. There seems little likelihood that the permitted development extensions subject to the lawful development certificate will be implemented at the existing dwelling. This further reduces their relevance.

### Green Belt Balance

There are no considerations that clearly outweigh the harm to the Green Belt and the other harm identified and therefore 'very special circumstances' required to justify inappropriate development in the Green Belt do not exist. The proposed development therefore conflicts with Chapter 9 of the NPPF and Policies GB1, GB2 and GB6 of the Brentwood Replacement Local Plan 2005

### Single storey dwellings

Local Plan Policy H7 seeks to protect the existing stock of single storey dwellings against extension or replacement which would result in the loss of single storey dwellings on site. Replacing this single storey dwelling by a two storey dwelling clearly breaches Policy H7. This particular single storey building due to its size, location and value is not the sort of property that would be accessible to the majority of potential occupants seeking single storey dwellings and therefore on balance the breach of this policy is not a reason to refuse this application. The applicant has provided a covering letter that reaches a similar conclusion.

In conclusion, the application is recommended for refusal on the basis that the proposed development would be inappropriate development and would be harmful to the essential characteristics of the Green Belt in terms of its openness and permanence, contrary to the aims of Local Plan Policies GB1, GB2, GB6 and National policy as expressed in the National Planning Policy Framework (NPPG). This recommendation is consistent with advice given at the preapplication stage.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 The proposal is unacceptable because it would result in the erection of a replacement dwelling in the greenbelt that is materially larger than the existing dwelling, clearly demonstrated in a comparison between the elevations of the existing and



proposed dwellings. The proposal therefore represents inappropriate development in the greenbelt which the National Planning Policy Framework states is by definition harmful. The applicant has not demonstrated very special circumstances that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore contrary to Policies CP1, GB1, GB2 and GB6 of the Brentwood Replacement Local Plan 2005 and Chapter 9 of the National Planning Policy Framework.

#### Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, GB6, the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20 Drawing numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF25 Application Refused Without Discussion

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at [www.brentwood.gov.uk/preapplicationadvice](http://www.brentwood.gov.uk/preapplicationadvice)

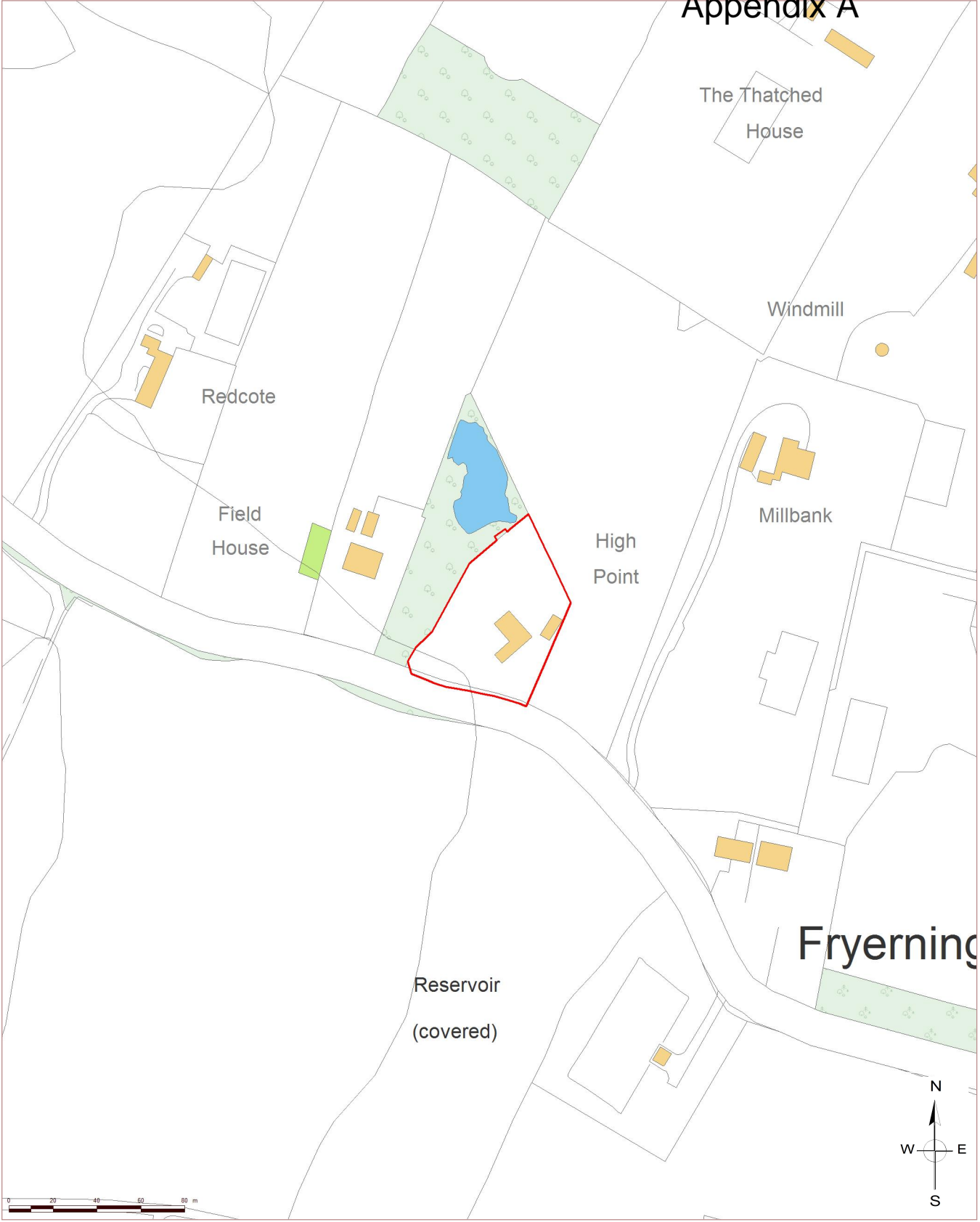
#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**

#### **Appendix A: Site Map**

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Appendix A



Title : High Point Beggar Hill Fryerning

18/00075/FUL

Scale at A4 : 1:2500

Date : 26th March 2018

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



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## **Members Interests**

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

- **What are pecuniary interests?**

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

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

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

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

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

- participate in any discussion of the business at the meeting, 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 policies 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.