



# Agenda

## Planning and Licensing Committee

Monday, 8 March 2021 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15  
8AY

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### Membership (Quorum – 4 )

Cllrs J Cloke (Chair), McCheyne (Vice-Chair), Bridge, Chilvers, Fryd, Haigh, Jakobsson, Keeble, Morrissey, Mynott, Tanner and Tierney

### Substitute Members

Cllrs Aspinell, Barrett, Dr Barrett, Laplain, McLaren, Nolan and Reed

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### Agenda

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**drop kerb/cross over to provide vehicular access from Crescent Road**

6. **APPLICATION NO: 21/00098/FUL, 65 Kilworth Avenue Shenfield Brentwood Essex CM15 8PT, Demolition of existing garage, Conservator and 90% of the dwelling, resulting in a new roof to create a first floor with two front dormers and rear gable, single-storey rear extensions, and alterations to fenestration (part retrospective) (REVISION TO APPROVAL 20/01035/HHA).** Shenfield 29 - 36
7. **APPLICATION NO 20/01631/BBC Garages Opposite 26 Hampden Crescent Warley Essex, Demolish existing block of 9 garages and resurface the area in preparation for the enlargement of the Tesco car park** Warley
8. **Urgent Business**



Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
26.02.2021

## Information for Members

Please note the changes in blue apply to remote meetings

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### Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

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### 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 member may remotely attend any Committee to which these rules apply.

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.

** Access to Information and Meetings**

You have the right to **remotely** 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).

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

**The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.**

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

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

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

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

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

** Private Session**

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

**The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.**

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**  Access**

**The Council will provide remote access for public participation by the meeting be accessible.**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

** Evacuation Procedures**

**This procedure does not apply whilst using remote meetings**

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, 10th February, 2021

#### Attendance

Cllr J Cloke (Chair)	Cllr Keeble
Cllr McCheyne (Vice-Chair)	Cllr Morrissey
Cllr Bridge	Cllr Mynott
Cllr Chilvers	Cllr Tanner
Cllr Fryd	Cllr Tierney
Cllr Jakobsson	

#### Apologies

Cllr Haigh

#### Substitute Present

Cllr Laplain

#### Also Present

Cllr S Cloke  
Cllr Naylor  
Cllr Pearson  
Cllr Poppy

#### Officers Present

Paul Adams	-	Principal Licensing Officer
Philip Drane	-	Director of Planning and Economy
Caroline McCaffrey	-	Development Management Team Leader
Zoe Borman	-	Governance and Member Support Officer
Max Gibson	-	Planning Officer
Alastair Lockhart	-	Legal Adviser

#### LIVE BROADCAST

[Live broadcast will start at 7pm and available for repeated viewing.](#)

**678. Apologies for Absence**

Apologies were received from Cllr Haigh and Cllr Laplain was present as substitute.

**679. Minutes of the Previous Meeting**

Members **RESOLVED** to approve the Minutes of the Planning and Licensing Committee held on 9<sup>th</sup> December 2020 as a true record.

**680. Minutes of the Licensing Sub Committee 23.11.20**

Members **RESOLVED** to approve the Minutes of the Licensing Sub Committee held on 23<sup>rd</sup> November 2020 as a true record.

**681. Variation on the Order of the Agenda**

Cllr Cloke **MOVED** and Cllr Bridge **SECONDED** and Members agreed to take Item 4 Taxi Vehicle Policy after Item 7 Planning Enforcement Activity Overview.

**682. Application No: 20/01608/HHA 13 Warleywoods Crescent Warley Brentwood Essex CM14 5JD**

The application had been referred to the Committee at the request of Councillor Sarah Cloke for the following reason(s):

The application would set a dangerous precedent resulting in the destruction of communal green space/grass verge and change the character in the area. Illegal widening of path in front of property had been undertaken.

This application relates to the construction of a dropped kerb and cross over to provide vehicular access from Crescent Road to 13 Warleywoods Crescent. It should be noted the land as outlined in red on plan 04/A had been marked as within the ownership of the applicant, as confirmed by the planning agent in email correspondence. The land outside of the ownership of the applicant, outlined in blue, is in the ownership of Brentwood Borough Council (the grass verge) and Essex Country Council (the pavement and kerb).

Mr Gibson was present at the meeting and summarised the report.

A Statement had been received from the applicant Mr and Mrs Das in support of the application, which was read by the Chair.

Ward Councillor S Cloke addressed the committee in objection to the application on behalf of herself and Cllr Naylor.

Following a debate, Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** that the application be **DEFERRED**. A vote was taken and Members voted as followed:

FOR: Cllrs Chilvers, Fryd, Laplain, Keeble and Mynott (5)

AGAINST: Cllrs Bridge, Jakobsson, McCheyne, Tanner and Tierney (5)

ABSTAIN: Cllr Cloke (1)

The Chair used his casting vote and it was **APPROVED** to **DEFER** the application to March committee pending an explanation from the Highways Authority on the criteria for approving applications for where the resident cannot demonstrate access between their property and the highway.

### **683. Planning Appeals Update (November 2020 - January 2021)**

This report advised the Committee of decisions received in respect of planning appeals determined since November 2020. The intention is to provide this report at every other committee, alternating with an enforcement overview report. It provided a summary of the main issues and comments made by inspectors, which can be useful when making decisions on current and future planning applications.

Mr Drane was present at the meeting and summarised the report.

Members thanked officers for the report confirming that it was very useful.

Members requested whether future reports could include:

- Comparison with other Essex authorities.
- Table providing context, i.e. how appeal decisions compare over a year.
- Any trends of analysis for officers/members to note.

Members noted the report.

### **684. Planning Enforcement Activity Overview (October to December 2020)**

This report summarised the enforcement activity undertaken in Brentwood Borough for the period between 1 October 2020 and 31 December 2020. This followed an update brought to the committee in October 2020.

The purpose of this report was to provide the Planning and Licencing Committee with an overview of the Planning Enforcement activity in the period October to December 2020 (Quarter 3). This follows an update brought to the committee on 14 October 2020 (Item 545), as part of regular updates on Planning Enforcement Activity.

Ms McCaffrey was present at the meeting and summarised the report.

The report was noted by Members.

### **685. Taxi Vehicle Policy**

The DFT have published the Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, this report considers these standards and brings together the Council's policies and procedures into one policy document, reviewing areas of our existing policy to ensure that the minimum standards are met, ready for consultation with the taxi trade and stakeholders.

Mr Adams was present at the meeting and summarised the report.

Members thanked Mr Adams for the report and welcomed the changes.

Following debate a motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr McCheyne to approve the recommendations in the report.

A vote was taken and it was **RESOLVED** that Members:

1. **Note the DFT Statutory and Private Hire Vehicle Standards.**
2. **Consider the revised policy and any changes that the Statutory Taxi and Private Hire Vehicle Standards have required.**
3. **Agree that the revised policy go out for consultation, with any consultation responses being reported back to this committee for further consideration.**

### **Reasons for Recommendation**

This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before adoption.

### **686. Urgent Business**

There were no items of urgent business.

The meeting concluded at 20.20.



**SITE PLAN ATTACHED**

**8 LINDSEY CLOSE BRENTWOOD ESSEX CM14 4PN**

**CONVERSION OF EXISTING GARAGE INTO HABITABLE SPACE,  
RELOCATE FRONT DOOR, SINGLE-STOREY REAR EXTENSION TO  
INCLUDE ROOF LIGHTS.**

**APPLICATION NO: 21/00025/HHA**

<b>WARD</b>	South Weald	<b>8/13 WEEK DATE</b>	15 March 2021
<b>PARISH</b>		<b>POLICIES</b>	CP1, T2,
<b>CASE OFFICER</b>	Mr Max Gibson		01277 312500
<b>Drawing no(s) relevant to this decision:</b>	2887/07/41/3;		

**This application has been presented to the Committee as the applicants are relatives of Cllr Barrett.**

## **1. Proposals**

This application proposes the conversion of an existing garage into habitable space, the relocation of the front door to the front of the dwelling and a single storey rear extension including roof lights.

## **2. Policy Context**

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy T2 New Development & Highway Considerations

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework

(NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matter held at the beginning of February 2021, as set out in draft timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council later in 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the 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. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to complete its progress through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

#### National Policy

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

### **3. Relevant History**

Not applicable.

### **4. Neighbour Responses**

Where applications are subject to public consultation those comments are summarised below. 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/>

Errors in plans (elevations and floor plans):

*Officer comment:* This has been corrected in the revised plan 2887/07/41/2

Incorrect red line on boundary with No. 9 indicated on site plans

*Officer comment:* Having checked the relevant land registry records the red line on the site plan provided is considered correct.

## **5. Consultation Responses**

None Consulted.

## **6. Summary of Issues**

The application dwelling is a semi-detached two storey house with attached single storey garage and shower room located at the hammer head end of Lindsey Close, a cul de sac. The area is residential and characterised by two-storey semi-detached dwellings varied in style and siting.

A single storey 3m deep extension to the rear of the existing garage is proposed with a new mono pitched roof and gable end to rear. 4 rooflights are proposed to be inserted flush with the roof slope. The internal space would be converted to habitable accommodation. The front door to the house would be repositioned and replace an existing front window.

### **Design, character and appearance**

The alterations to the front of the dwelling would result in a contemporary style front door and rooflight within the canopy overhead. The existing garage door would be replaced with a window to match existing fenestration. The flat roof would be replaced with a mono pitched roof. Given the variety of styles in the surrounding area the repositioned door and mono pitched roof/ front window are considered acceptable.

The single storey rear extension proposed would extend 3 metres to the rear of the dwelling with a rear gable element and bi-fold doors; a new window would be inserted into the side elevation. This extension would use materials to match the existing house; the gable end wall would be finished in render. The design and scale of this extension is considered compatible with the application dwelling and surrounding area.

The proposal therefore complies with policy CP1 (i) and (iii) of the BRLP and the NPPF.

### **Residential amenity**

The proposed development includes alterations to the front, side and rear of the dwelling. There are no neighbours directly to the side of the proposed extension and the development would not give rise to any material harm to other occupiers.

Fenestration would overlook the public realm, to the front, or the private amenity space, to the rear and side of the dwelling.

It is therefore considered that the proposal would not have an unacceptable detrimental impact on the general amenities of nearby occupiers, by way of an overbearing, loss of privacy or overlooking effect and would comply with Policy CP1 (ii) of the BRLP.

### **Parking considerations**

The existing garage accommodation does not meet the current standards as per the Adopted Essex County Council: Parking Standards Design and Good Practice 2009, nevertheless the front driveway can accommodate two off street parking spaces.

The proposal therefore complies with policies CP1 (iv) and T2 of the BRLP.

## **Conclusion**

The proposal therefore complies with policies CP1 and T2 of the BRLP and the NPPF and is recommended for approval.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

### 1 TIM01 Standard Time - Full

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

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

### 2 DRA01A Development in accordance with drawings

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

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

## Informative(s)

### 1 INF02 Reason for approval (objections)

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

### 2 INF04 Amendments to approved scheme

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 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

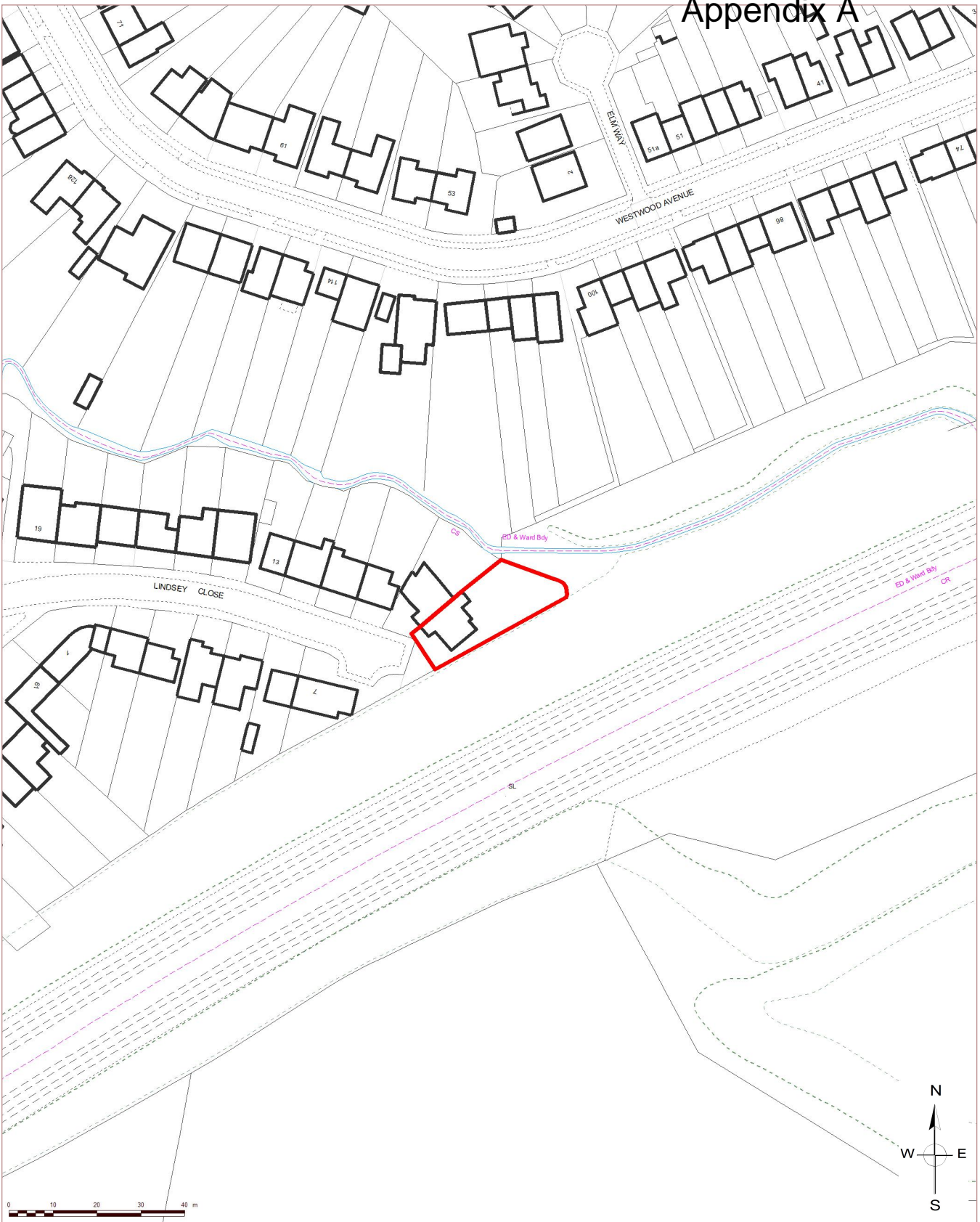
### 4 INF22 Approved Following Revisions

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

*BACKGROUND DOCUMENTS*

**DECIDED:**

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Title : 8 Lindsey Close, Brentwood, Essex CM14 4PN

21/00025/HHA

Scale at A4 : 1:1250

Date : 8th March 2021

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



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**SITE PLAN ATTACHED**

**13 WARLEYWOODS CRESCENT WARLEY BRENTWOOD ESSEX CM14 5JD**

**PROPOSED DROPPED KERB/CROSS OVER TO PROVIDE VEHICULAR ACCESS FROM CRESCENT ROAD**

**APPLICATION NO: 20/01608/HHA**

<b>WARD</b>	Brentwood West	<b>8/13 WEEK DATE</b>	4 January 2021
<b>PARISH</b>		<b>POLICIES</b>	CP1, T2,
<b>CASE OFFICER</b>	Mr Max Gibson		01277 312500
<b>Drawing no(s) relevant to this decision:</b>	04/A; 01/B;		

**The application has been referred to the Committee at the request of Councillor Sarah Cloke for the following reason(s):**

The application would set a dangerous precedent resulting in the destruction of communal green space/ grass verge and change the character in the area

Illegal widening of path in front of property has been undertaken.

## **1. Proposal**

The application was deferred from the meeting of 10<sup>th</sup> February to allow the Highway Authority to clarify their criteria on approval of applications for drop kerbs where the resident cannot confirm access between their property and the highway.

This application relates to the construction of a dropped kerb and cross over to provide vehicular access from Crescent Road to 13 Warleywoods Crescent. It should be noted the land outlined in red on plan 04/A has been marked as within the ownership of the applicant, as confirmed by the planning agent in email correspondence. The land outside of the ownership of the applicant, outlined in blue, is in the ownership of Brentwood Borough Council (the grass verge) and Essex Country Council (the pavement and kerb).

Furthermore, amended plans (04/A and 01/B) were submitted to illustrate the ownership of land as claimed by the applicant.

## **2. Policy Context**

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy T2 New Development & Highway Considerations

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public opened in December 2020, concentrating on strategic matters, with other hearings due in February 2021, as set out in draft timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council later in 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the 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. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy

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

## **3. Relevant History**

Not applicable.

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

One neighbour objection was received summarised below:

Whether this permission would allow similar proposals along Warleywoods Crescent, will the driveway form part of the land ownership of No. 13, loss of local parking provision.

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

- **Great Warley Conservation Society:**

No comment received.

- **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 includes a new vehicle crossover to provide access to an area within the applicant's curtilage for off-street parking, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres and shall be retained at that width to the site boundary. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge and Brentwood Borough Council land.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

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

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

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

Informative:

o If planning permission is granted, the proposed dropped kerb will be installed adjacent to an area of carriageway that has a Traffic Regulation Order to enable a resident permit parking scheme. The parking bay is identified by markings on the carriageway.

The applicant should be made aware that a motorist will be able to park in the parking bay legally. You can apply to remove a relevant part of the parking bay under our Traffic Regulation Order process, which will require an additional fee and costs to complete the removal works. However, as this procedure goes through a consultation process there is no guarantee the parking bay can be removed.

- The new driveway and dropped kerb will cross land owned by the Council. The applicant will require the grant of an access licence to cross the Council's land once all necessary consents and planning permission have been obtained.
- The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- 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, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

## **6. Summary of Issues**

Planning permission is sought for a dropped kerb and cross over at 13 Warleywoods Crescent, Warley.

### **Design, character and appearance**

The proposal would include hardstanding of part of the grass verge in front of the application dwelling to join Crescent Drive. It is noted that there is a mirror access at the adjacent dwelling No. 12. The proposal would retain a strip of grass between the tarmac used for access at No. 12 as well as to the other side, the crossover has been reduced in width to 2.5 metres to minimise the impact of the crossing on visual amenity and is also adjacent to an existing access on the grass verge which is limited in depth compared to the dwellings to the East. Due to these factors, it is considered that on balance the proposal would have an acceptable impact on visual amenity and therefore complies with policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan (BRLP) and the NPPF.

## Highway considerations

The proposed dropped kerb would extend to a maximum width of 3.6 metres with a 2.5-metre-wide crossover. The Highway Authority have raised no objections, subject to conditions, however, have noted that the access leads out on to a Traffic Regulation Road carriageway to enable a resident permit parking scheme. The proposal would not therefore result in the loss of an on street parking space along Warelywoods Crescent, as a separate application to the Highway Authority through the Traffic Regulation Order would be required to remove this parking bay. Furthermore, if permission were granted by the TRO to remove the on-street parking bay this would only amount to the loss of one space which would be negated by the additional off street parking spaces provided on the driveway of No.13. The proposal would therefore not amount to a loss of parking within Warleywoods Crescent.

Update:

Following the meeting on the 10<sup>th</sup> February, the Highway Authority have provided additional information:

*Where a drop kerb is requested onto an unclassified road Essex Highways need to be satisfied the applicant would not be crossing third party land. Crescent Road is a classified road (Class III) and therefore a planning application is required, but access between the applicant's property and the public highway does not need to be indicated.*

*In terms of assessing the application, the Highway Authority must consider the safety of the proposed access. This particular application happens to be right next door to an almost identical access at no 12 Warleywoods. This clearly sets a precedent (referring to Highway consideration of an access) and given that there have been no recorded road traffic incidents in this location over the last 5 years, there is nothing to consider the proposed access would be unsafe.*

*In terms of land ownership, I understand that the area between the dwelling and the highway belongs to Brentwood BC. It is therefore a matter for Brentwood whether to allow access across its land or not.*

In terms of the applicant obtaining a license for the use of land under BBC ownership and removal of an on street residents parking space, officers advise:

If the planning application were to be viewed favourably then it would be the responsibility of the applicant to seek appropriate permission or licence from the relevant authority. Whether a licence is granted for use of the land, or the bay removed from the permit scheme, this does not preclude the LPA from making a decision on this planning application. Should development permitted by the planning application be

constructed without seeking the necessary permissions, it would fall to the relevant parties to seek redress.

### **Other matters**

In the event of permission being granted, it does not convey ownership of the land on which the crossover would be constructed to the applicant. As outlined in the informative an additional license will be required for access to be obtained from the Council, as would be the case for surrounding residents. The comment regarding 'precedent' being set should this application be approved should be discounted as it is a recognised planning tenet that each application is assessed on its own merits.

In regard to the ownership of land, section 12 of the application form has been completed and signed. This has also been confirmed by the planning agent.

### **Conclusion**

The proposal is not considered to result in unacceptable harm to the character of the surrounding area. The proposal therefore complies with policies CP1 and T2 of the BRLP and the NPPF.

### **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 U37791**

The material used to hard surface the existing grass verge shall match that of the adjacent hard surface.

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

#### 4 U37792

The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres and shall be retained at that width to the site boundary. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge and Brentwood Borough Council land.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the BRLP.

#### 5 U37793

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the BRLP

#### Informative(s)

##### 1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

##### 2 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, T2, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

##### 4 INF22

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

##### 5 INF15

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

should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

6 U07406

The applicant should be aware that the proposed dropped kerb will be installed adjacent to an area of carriageway that has a Traffic Regulation Order to enable a resident permit parking scheme. The parking bay is identified by markings on the carriageway. A motorist will be able to park in the parking bay legally. You can apply to remove a relevant part of the parking bay under our Traffic Regulation Order process, which will require an additional fee and costs to complete the removal works. However, as this procedure goes through a consultation process there is no guarantee the parking bay can be removed.

7 U07407

The new driveway and dropped kerb will cross land owned by the Council. The applicant will require the grant of an access licence to cross the Council's land once all necessary consents and planning permission have been obtained.

8 U07408

The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.

9 U07409

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.

#### *BACKGROUND DOCUMENTS*

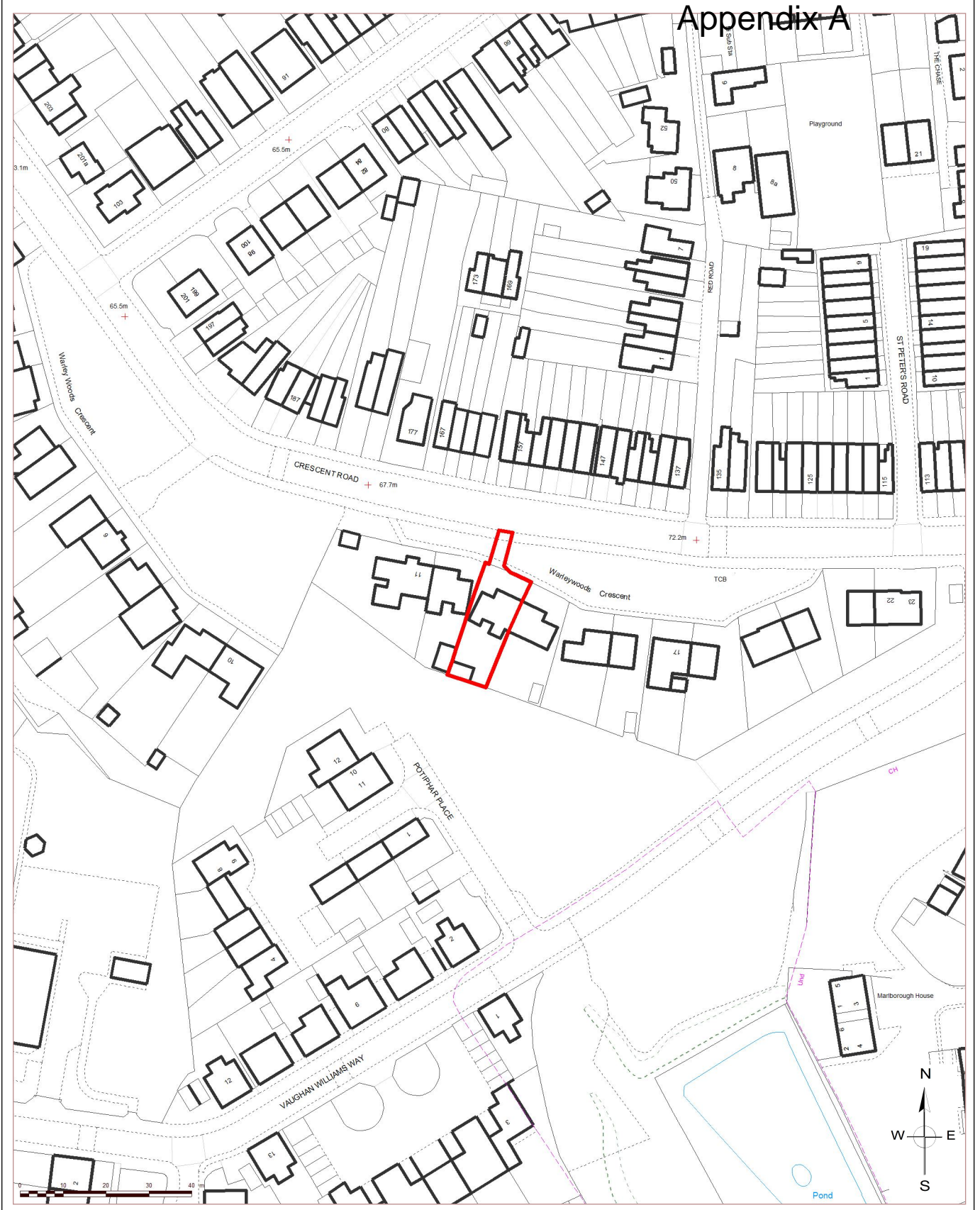
#### **DECIDED:**





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# Appendix A



Title : 13 Warleywoods Crescent, Warley, Brentwood, Essex CM14 5JD

20/01608/HHA

Scale at A4 : 1:1250

Date : 8th March 2021

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



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**SITE PLAN ATTACHED**

**65 KILWORTH AVENUE SHENFIELD BRENTWOOD ESSEX CM15 8PT**

**DEMOLITION OF EXISTING GARAGE, CONSERVATORY AND 90% OF THE DWELLING, RESULTING IN A NEW ROOF TO CREATE A FIRST FLOOR WITH TWO FRONT DORMERS AND REAR GABLE, SINGLE STOREY REAR EXTENSIONS AND ALTERATIONS TO FENESTRATION (PART RETROSPECTIVE) (REVISION TO APPROVAL 20/01035/HHA).**

**APPLICATION NO: 21/00098/FUL**

<b>WARD</b>	Shenfield	<b>8/13 WEEK DATE</b>	19 March 2021
<b>PARISH</b>		<b>POLICIES</b>	CP1 H17
<b>CASE OFFICER</b>	Mrs Carole Vint	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	P001; P100; P200; Location Plan;		

**The application has been referred to the Committee due to the applicant being a family member of an elected Councillor.**

## **1. Proposals**

The proposal comprises the demolition of existing garage, conservatory and 90% of the dwelling, resulting in a new roof to create a first floor with two front dormers and rear gable, single storey rear extensions and alterations to fenestration (part retrospective) (revision to approval 20/01035/HHA).

## **2. Policy Context**

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria  
Policy H17 Dormer Windows

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework

(NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. The plan was submitted to the Planning Inspectorate in February 2020. The Examination in Public hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matter held at the beginning of February 2021, as set out in draft timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council later in 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the 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. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to complete its progress through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

#### National Policy

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

### **3. Relevant History**

- 20/01035/HHA: Demolition of existing garage and conservatory, Increase ridge height and extend roof to create first floor with 2 front dormer and rear gable, add single storey rear extensions, alterations to fenestration -Application Permitted
- 19/01480/FUL: Demolition of existing garage and conservatory, Increase in height of ridge to create first floor, single storey rear extension and remodelling of existing property and construction of porch -Application Refused

### **4. Neighbour Responses**

No comments received.

### **5. Consultation Responses**

None consulted.

## **6. Summary of Issues**

The principle of the redevelopment has been established by granting planning permission for various extensions under reference 20/01035/HHA. The current application seeks to regularize the additional development already undertaken, in so far as the scope of that work included significant demolition of the original building; and a minor revision to the design. The revision to design is the alteration of the single storey rear projection, changed from a pitched roof to a flat roof with a lantern top.

The main issues which require consideration as part of the determination of this application are:

- The impact of the proposal on the character and appearance of the area;
- Impact on the living conditions of the occupiers of neighbouring properties;

### Design, Character and Appearance

The application site is located on the eastern side of Kilworth Avenue, in a prominent position opposite the junction with Rochford Avenue. Dwellings in the area are a mix of style and design, including two storey attached and semi detached, with gable projections and dormer windows evident. The original application building, a modest size detached single storey bungalow has been substantially demolished so that its form and scale have effectively ceased to exist.

In its place, it is proposed to construct a two storey high chalet bungalow with 2 pitched roof dormers to the front, a first floor rear gable projection and single storey rear extension. The ground floor would accommodate 2 reception rooms and an 'L' shaped living/dining room to the rear. Three bedrooms and a family bathroom are shown at first floor.

The building would retain the original footprint plus the addition of a single storey element to the rear. The height of the new building would be approximately 6.5 to the apex and 3m to the eaves. The roof profile would change from pitched/hipped to gable ended with an increase in height of 300mm. An indicative street scene drawing identifies the differences in ridge heights with the adjacent properties, with the roof of the application dwelling being set slightly lower than No. 63, albeit having a differing roof design. Due to the gradient in the street, the application dwelling sits slightly higher than No. 67. Overall, it is considered that the new design is acceptable and would be compatible with the surrounding character and appearance of the area.

The rear elevation would comprise a two storey pitched gable roof, and a single storey flat roof extension. The two storey element would have a pitched roof with gable end; the single storey element would project from the southern half of the building. Glimpses of the rear elevations would be had from the road, but the overall size and design are acceptable. Facing materials are proposed to match the original house.

## Effect on neighbours Living Conditions

It is considered that the first floor window in the northern side elevation should be obscure glazed and non opening below 1.7m. On the south elevation, one window should be obscure glazed and all windows should be non opening to prevent unacceptable overlooking into neighbouring properties.

The common boundary to the rear is located some 31 metres away, and it is considered the neighbours to the rear are far enough away for the proposal not to impact on their living conditions.

The marginal increase in height, changes to the scale and redesign of the building would not result in an overbearing effect on either of the adjacent neighbours.

Overall the proposal is considered to comply with local plan policies CP1 and H17, subject to the recommended conditions.

## Conclusion

The proposal is compliant with Policies CP1, H17 of the Brentwood Replacement Local Plan and the NPPF and NPPG. The application is recommended for approval subject to conditions.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

1 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.

2 MAT03 Materials to match  
The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

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

3 U0038667  
The first floor window serving a stairwell and the ground floor window serving a cloakroom, in the south west elevation facing No. 63 shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-openable. The remaining windows in the south west elevation serving a storage cupboard and living shall be non-openable; The first floor window in the



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

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties and to restrict the windows from opening on the south west elevation onto adjacent land outside the ownership of the applicant.

#### 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, H17, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

##### 4 INF21

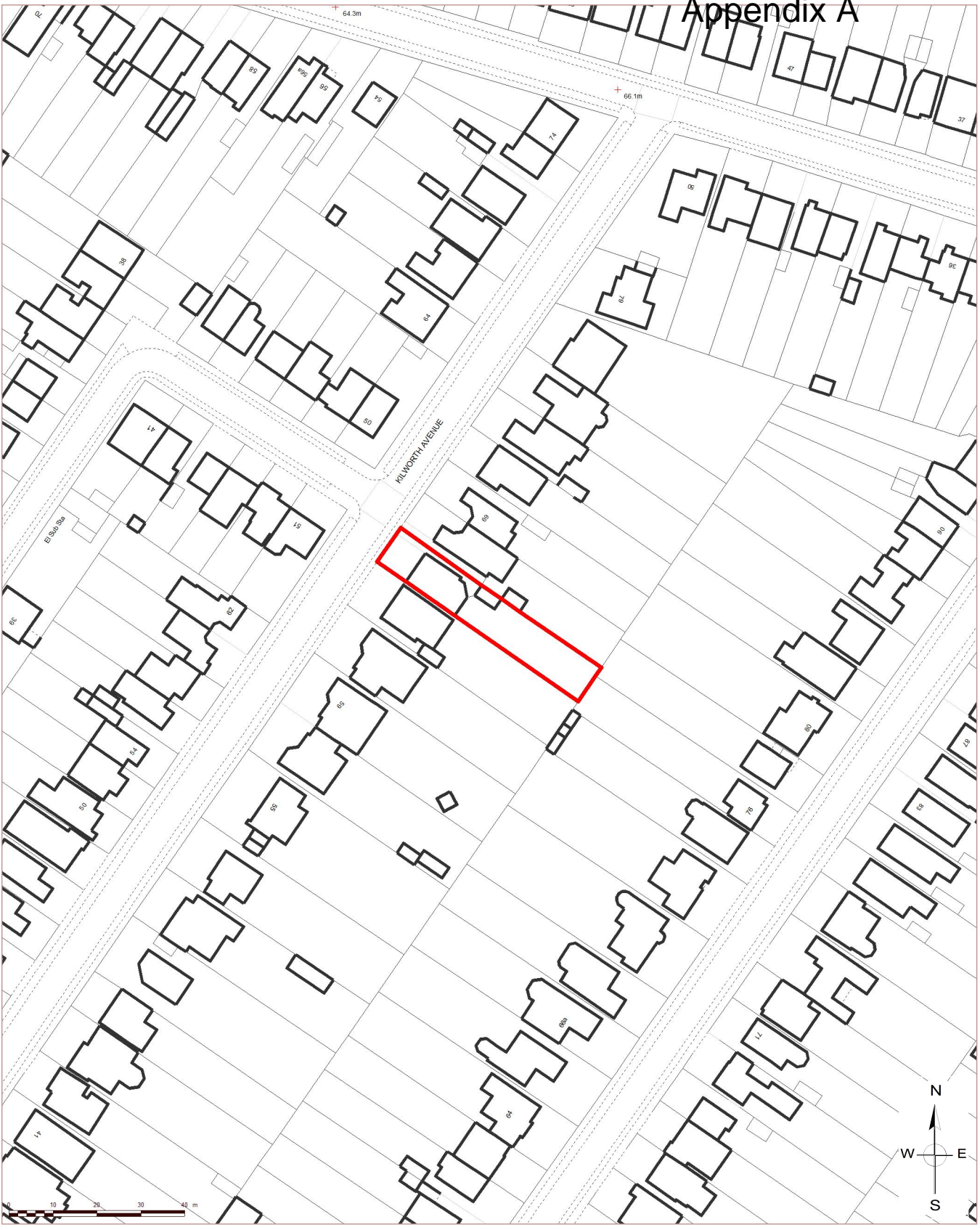
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**



Appendix A



Title : 65 Kilworth Avenue, Shenfield, Brentwood, Essex CM15 8PT

21/00098/FUL

Scale at A4 : 1:1250

Date : 8th March 2021

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.
- (i) To guide the Council in setting its policy objectives and priorities.
  - (ii) To carry out the duties and powers of the Council under current legislation;
  - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
  - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
  - (v) To consider and approve relevant service plans;
  - (vi) To comply with the standing orders and financial regulations of the Council;
  - (vii) To operate within the budget allocated to the committee by the Council.
  - (viii) 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.