



Agenda

Planning and Licensing Committee

Tuesday, 22 February 2022 at 7.00 pm

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

Membership (Quorum – 4)

Cllrs Bridge (Chair), Heard (Vice-Chair), Barber, Dr Barrett, J Cloke, Cuthbert, Fryd, Gelderbloem, Laplain, Mynott, Tanner and Wiles

Substitute Members

Cllrs Barrett, Mrs Davies, Haigh, Hirst and Jakobsson

Agenda

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Live broadcast			
Live broadcast to start at 7pm and available for repeat viewing.			
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A handwritten signature in black ink, reading "Jonathan Stephenson", is centered on a light blue rectangular background. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
14.02.2022

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The 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.

Information for Members of the Public

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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**

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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

Planning and Licensing Committee Tuesday, 18th January, 2022

Attendance

Cllr Bridge (Chair)	Cllr Fryd
Cllr Heard (Vice-Chair)	Cllr Gelderbloem
Cllr Barber	Cllr Laplain
Cllr Dr Barrett	Cllr Mynott
Cllr J Cloke	Cllr Tanner
Cllr Cuthbert	

Apologies

Cllr Wiles

Substitute Present

Cllr Reed

Also Present

Cllr S Cloke
Cllr Mrs Hones
Cllr Naylor
Cllr Mrs Pound

Officers Present

Caroline Corrigan	- Corporate Manager (Planning Development Management)
Mike Ovenden	- Associate Consultant Planner
Paulette McAllister	- Principal, Design & Conservation Officer
Tessa Outram	- Senior Planning Officer
Daryl Cook	- Planning Officer
Zoe Borman	- Governance and Member Support Officer

LIVE BROADCAST

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

263. Apologies for Absence

Apologies were received from Cllr Wiles and Cllr Reed was substitute.

264. Minutes of the Previous Meeting

The Minutes of the Planning and Licensing Committee held on 15th December 2021 were approved as a true record following deletion of last paragraph of Minute 246.

265. Minutes of the Licensing Sub Committee 13.12.21

The Minutes of the Licensing Sub-Committee held on 13th December 2021 were agreed as a true record.

266. Chestnuts, Hutton, Brentwood, CM13 2PA

This application has been referred to committee at the request of Cllr Hirst for the following reason:

- I cannot see how the proposed extension contravenes our planning regulations, and so cannot see why it is recommended for refusal. The issue of roof layout appears to be a matter of planning officer taste rather than policy.

Planning permission was sought for the significant re-modelling and extension of an existing dwelling, via two storey front, rear and side extensions, new roof and alterations to fenestration, at 4 Chestnuts, Hutton Mount.

The main considerations in the determination of this application were the impact on the character and appearance of the surrounding area of Hutton Mount, the impact on the amenity of existing and future occupiers and parking and highway considerations and whether it had overcome the reasons for refusing the previous similar scheme.

Ms Outram presented the report.

The Applicant, Ms Monnickendam, was present at the meeting and addressed the committee.

Cllr Hirst, Ward Councillor, spoke in favour of the application.

Cllr Reed also spoke in support of the application.

Following a full discussion, Cllr Reed **MOVED** and Cllr Barber **SECONDED** that the application be **APPROVED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Bridge, Barber, Cloke, Gelderbloem, Heard, Reed, Tanner (7)
AGAINST: Cllrs Dr Barrett, Cuthbert, Fryd, Laplain, Mynott (5)
ABSTAIN: (0)

The motion to **APPROVE** the application was **RESOLVED**.

The Chair recommended conditions should be attached to the permission to be agreed by the case officer via delegated authority. The agreed standard conditions are as follows:

- 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 DRA01 - 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 Materials as Approved
The materials to be used in the construction of the external surfaces of the building hereby permitted shall be as shown within Design and Access Statement ref: 3033/A; which states:

Red Brick
Off White render
Dark Grey/Black powder coated aluminum doors & windows
Black Mock Tudor Paneling

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

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

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

5 Storage of Building Materials

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.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety .

(Cllr Bridge declared a non-pecuniary interest on behalf of the Committee as the applicant was the sister of a former Leader of the Council)

267. 85 Crescent Road, Warley, Brentwood CM14 5JG

This application had been referred to committee at the request of Councillor Sarah Cloke for the following reasons:

- Design, appearance and layout
- Conservation of buildings
- Trees and open land
- Overbearing development – resulting in daylight and privacy issues
- Planning case law and previous decisions
- The need for the development – overdevelopment of Town Centre wards.

Planning permission was being sought for the demolition of the existing detached garage at No.85 Crescent Road and the construction of a part two-storey part single storey side and rear extension to form a new dwelling, to include alterations to the internal layout of no.85, creation of a front driveway and subdivision of the amenity area.

The proposal had been amended during the application process. The width of the extension has been reduced and the number of bedrooms of the proposed dwelling has been reduced to two. Other amendments include, minor alterations to fenestration, additional landscaping had been added to the rear and the external façade material had been amended to brickwork to match the front elevation of the existing dwelling. Neighbour were re-consulted on the revised plans,

Ms Outram presented the report.

Mr Ashley was present at the meeting and spoke objecting to the application.

Mr Wiffen as agent, was present at the meeting and addressed the committee on behalf of the applicant.

Cllr S Cloke, Ward Councillor, spoke in objection to the application.

Cllr Naylor, Ward Councillor, spoke in objection to the application.

Concerns were expressed with regards to the lack of consultation with the Conservation Officer. The Officer report clearly stated that the site is not within a protected area or an asset of particular importance and the minor deficiencies identified did not, in the Officer's view significantly or demonstrably outweigh the benefits of the framework as taken as a whole.

Following a full discussion, Cllr Cloke **MOVED** and Cllr Tanner **SECONDED** that the application be **APPROVED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Barber, Bridge, Cloke, Gelderbloem, Heard, Tanner (6)

AGAINST: Cllrs Dr Barrett, Cuthbert, Fryd, Laplain, Mynott (5)

ABSTAIN: Cllr Reed (1)

The motion to **APPROVE** the application was **RESOLVED** subject to the conditions as outlined in the report.

268. 31 Docklands Avenue, Ingatestone, Essex CM4 9EQ

This application had been referred to Planning and Licensing Committee by Cllr Noelle Hones (Ward Councillor – Ingatestone, Fryerning and Mountnessing) for the following reason(s):

- Complies with the above planning policies.
- At this property's previous application (20/01749/HHA) and in the judgement of the Inspector, the appeal was dismissed because the design of the extension was not subservient to the main building. In the judgement of the then planning officer both the Ward Councillors and the applicant were told that a very small reduction in the roof height would have obtained approval. Not only has the applicant now complied with this but has also reduced the size of the extension in total. A height difference of 2 1/2" was mentioned.

The proposal seeks to construct a first floor side extension and alter the fenestration at 31 Docklands Avenue, Ingatestone, Essex, CM4 9EQ.

Mr Cook presented the report.

A statement from the Applicant, Ms Heales in support of the application, was read by the Chair.

Cllr Honess, Ward Councillor, spoke in favour of the application and pointed out that no objections from the Parish Council or neighbours had been received.

Following a full discussion, Cllr Cloke **MOVED** and Cllr Barber **SECONDED** that the application be **APPROVED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Barber, Dr Barratt, Bridge, Cloke, Fryd, Gelderbloem, Heard, Laplain, Reed, Tanner (10)

AGAINST: Cllrs (0)

ABSTAIN: Cllr Cuthbert, Mynott (2)

The motion to **APPROVE** the application was **RESOLVED** subject to the conditions below:

1. 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. 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. All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reasons: In order to safeguard the character, appearance and visual amenity of this area and for the avoidance of doubt.

269. De Rougemont Manor, Great Warley Street, Great Warley, Brentwood, Essex CM13 3JP

This application had been referred to committee at the discretion of the Director of Planning as a major application that is likely to be of interest to the committee.

The application was due to be presented to the Planning and Licensing Committee on 21 September 2021 but was deferred at the applicant's request.

This proposal relates to the residential redevelopment of the De Rougemont Manor hotel site to create 45 dwellings with associated access, parking and landscaping works. Eighteen dwellings would be created through the conversion, remodelling and extension of the main hotel building, four from conversion of the stable building (Goldings) and twenty three would be new build dwellings. The site has an overall area of approximately 3.4 hectares, of which approximately 1.4 hectares is proposed.

Mr Ovenden was present at the meeting and presented the report.

Mr Greest was present at the meeting and addressed the committee in support of the application.

Mr Jeffery, Agent, spoke on behalf of the Applicant.

Cllr Laplain, Ward Councillor and Committee Member, expressed objections raised by Great Warley Conservation Society and the inappropriate development in the green belt.

Following a full discussion, Cllr Laplain **MOVED** and Cllr Mynott **SECONDED** that the application be **REFUSED**.

A vote was taken, and Members voted as follows:

FOR: Cllrs Dr Barrett, Cuthbert, Fryd, Laplain, Mynott, Reed (6)
AGAINST: Cllrs Barber, Bridge, Cloke, Gelderbloem, Heard, Tanner (6)
ABSTAIN: (0)

The Chairman took the casting vote and changed his vote For the Motion.

FOR: Cllrs Dr Barrett, Bridge, Cuthbert, Fryd, Laplain, Mynott, Reed (7)
AGAINST: Cllrs Barber, Cloke, Gelderbloem, Heard, Tanner (5)
ABSTAIN: (0)

The motion to **REFUSE** the application was **RESOLVED**.

270. Urgent Business

There were no items of urgent business.

The meeting concluded at 21.06



Minutes

Licensing Sub-Committee
Thursday, 20th January, 2022

Attendance

Cllr Barber
Cllr Gelderbloem

Cllr Laplain

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard	- Licensing Officer
Christopher Irwin	- Legal Representative for and on behalf of Brentwood Borough Council
Allan Wright	- Environmental Health Officer
David Carter	- Environmental Health Manager
Zoe Borman	- Governance and Member Support Officer

LIVE BROADCAST

[Live broadcast to start at 12pm and available for repeat viewing.](#)

271. Appointment of Chair

Members resolved that Cllr Gelderbloem would Chair the meeting.

272. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

273. Determination of Objection to Temporary Event Notices - The Library Bar & Restaurant High Street, Ingatestone CM4 9DU

An objection had been received from Environmental Health Officer, Mr Allan Wright, with regards to two Temporary Event Notices (TENs) submitted in relation to private hire party events to be held at The Library Bar & Restaurant, High Street, Ingatestone CM4 9DU on Saturday 29 January 2022 & Sunday 30 January 2022 and Saturday 5 February 2022 & 6 February 2022. The objection relates to the prevention of public nuisance licensing objective.

Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The Committee had given careful consideration to the application and all of the written and verbal evidence presented, including the objection notice from Environmental Health.

The Committee was mindful of the fact that there had been two noise complaints relating to the premises received by Environmental Health and that one had been closed and the other is on-going. The Committee understands the Applicant is actively working with the Responsible Authority to resolve the issues surrounding the on-going complaint.

The Committee also heard evidence from the Applicant who has now installed a noise monitoring device at the premises and that Environmental Health will now be able to agree a noise limit before the first event referred to in the first TEN.

The Committee had taken into account the fact that the Applicant has undertaken additional measures at the premises, such as employing door staff, who amongst other things, ensure that customers leave the premises quietly. The Committee has also noted that the Applicant confirmed that food and drinks will stop being served at 01:00am, to ensure that all customers have left the premises by 02:00am.

Taking into account all of the evidence, the Committee did not consider that serving Counter Notice would assist in promoting the licensing objective of prevention of public nuisance and therefore consider that the licensable activities as stated in both TEN's should be allowed to go ahead and therefore both applications were granted.

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SITE PLAN ATTACHED

GARAGES WILLINGALE CLOSE HUTTON ESSEX

DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 3 X 3 NO. BEDROOM HOUSES WITH ASSOCIATED LANDSCAPING AND PARKING

APPLICATION NO: 21/02117/FUL

WARD	Hutton East	8/13 WEEK DATE	17 February 2022, EOT until 25 February 2022.
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PARISH

CASE OFFICER Julia Sargeant

Drawing no(s) relevant to this decision: WC-01, WC-02, WC-03, WC-04, WC-05, WC-06, 10503-8, 2155H-WWA-ZZ-XX-DR-L-0700 Rev PL01, WWA-ZZ-XX-DR-L-0701 Rev PL01

This application is a scheduled Committee item because the application is submitted by the Brentwood Borough Council's Housing Team and concerns Council owned land.

1. Proposals

Background

This application has been submitted by Brentwood Borough Council as part of the Strategic Housing Delivery Plan (SHDP) which as part of its remit identified a number of sites across the borough that could contribute to the Council's objective of delivering much needed affordable housing within low carbon emission and 'green' developments.

The Council's Corporate Strategy 'Brentwood 2025' commits to Introducing "*innovative Carbon reduction and absorption schemes*", "*identify opportunities for low emission and green developments*" and using "*brownfield sites efficiently, such as council owned garage sites, to provide affordable homes...*"

The 7 year affordable homes development strategy (2021 – 2028) states that "*when directly developing new homes, the aim remains to provide a range of high-quality and energy efficient buildings to meet the needs and circumstances of Brentwood*"

Borough Council residents both now and in the future.” The Council’s primary focus through this strategy is “the provision of new homes for letting at affordable rent or for low-cost home ownership.”

The proposal at Willingale Close forms part of the Phase 1 Small Sites Programme of Zero Carbon in use homes which aims to achieve around 200 new dwellings. The Small Sites Programme collectively identifies a range of housing types and tenures which is consistent with the Council’s Strategic Housing Market Assessment.

Site Description

The application site relates to an area of hardstanding and garages to the rear of Willingale Close. Access to the site is from a narrow private access road that serves two dwellings as well as the garages. The site slopes from south to north and the surrounding area is residential in nature and characterised by predominantly terraced and semi-detached two storey dwellings.

The site is a Council owned 28-unit garage site which is in poor condition and due to the age and build type is no longer fit for purpose. For the most part, the site has historically been used for storage purposes rather than parking. Out of the 28 garages only 3 garages are lettable and the Council’s Housing Services advises that the site has attracted an increase in various types of anti-social behaviour including fires being set in the garages.

Proposal

Planning permission is sought to demolish the existing garages on site and erect three two storey dwellings with associated landscaping and parking. The proposal is for 100% affordable housing, with all three dwellings comprising affordable housing. The dwellings would be ‘Zero Carbon in use’ homes which means the amount of carbon emissions associated with the proposed dwellings and buildings operational energy is zero or negative, with any outstanding emissions being offset by renewable energy sources

The proposed dwellings would be located almost centrally within the application site facing west. To the rear each dwelling would benefit from private amenity space and to the front there would be parking for six vehicles along with a turning head, bin store, cycle store and soft landscaping.

The dwellings would form a terrace running north to south with pitched roof measuring 18 metres wide by 10 metres deep reaching up to a maximum height of 8.2 metres to ridge. They would be finished with red multi stock brickwork at ground floor with red hanging tiles to the elevations at first floor level. The roof would be finished in red plain tiles with solar PV panels to the front west facing elevation and air source heat pumps located within the rear gardens. A bin collection point is

proposed at the entrance to the site, adjacent to Willingale Close for refuse collection.

Each dwelling would contain a hallway, kitchen, store, W.C., and open plan living/dining room at ground floor, with three bedrooms and a bathroom at first floor level. The overall internal floorspace for each dwelling is 96m² and meets the requirements for a 3 bed 5 person dwelling under the Technical Housing Standards - Nationally Described Space Standards (NDSS) 2015.

2. Policy Context

Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy CP2 New Development and Sustainable Transport Choices

Policy H14 Housing Density

Policy H16 Lifetime Homes

Policy T2 New Development and Highway Considerations

Policy T5 Parking – General

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

Policy IR5 Energy and Water Conservation and the Use of Renewable Sources of Energy in New Development

PC1 Land Contaminated by Hazardous Substances

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 later that year following revisions to the detailed wording of some of the proposed housing allocations. The plan was submitted to the Planning Inspectorate in February 2020. The examination hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held from February to July 2021. The Council proposes to make modifications to the plan and a six-week public consultation is currently being held, ending on 11 November 2021. The Inspectors will consider any representations made as a result of the consultation. Provided the Inspectors find the plan to be sound, it is anticipated that it could be adopted by the Council in early 2022.

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, although issues have been discussed through hearing sessions and main modifications for soundness have been published. 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 proposed housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to be adopted it is still considered to have limited weight in the decision-making process.

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide (NDG)

3. Relevant History

No relevant planning history relating to the application site.

There have been two recent applications for new dwellings adjacent to the site and accessed via the same private access road:

- 14/01376/FUL – Two storey detached dwelling – 5 Willingale Close, Hutton – Approved - 26.01.2015
- 18/02003/FUL - Construction of a single storey three bedroom bungalow. – 15 Delta Road, Hutton – Approved - 15.03.2019

4. Neighbour Responses

1 response commenting on the application and 1 response objecting to the application have been received.

Neutral comments (summarised):

- Requests covenant that no conifers/leylandii or other plant be planted on boarder with No. 30 Randalls Drive to ensure no loss of light.
- Access for maintenance of garage at No. 30 Randalls Drive should be incorporated into the plans.
- Drainage is currently into the gap between the garage boundary and boundary fence, either additional drainage required or a sufficient gap.

Objection Comments (summarised):

- Additional two dwellings have caused more traffic flow in a already tiny road.
- Parking is a real issue for residents and has caused problems during construction of the two recently built dwellings.
- Does not want construction site at rear of house causing traffic and noise etc.

5. Consultation Responses

- **Highway Authority:**

The documents submitted with the planning application have been duly considered.

The site currently sees very limited use due to the age of the facility and its inability to accommodate modern cars. Given its lack of usefulness, the existence of a suitable access onto the highway and the proposed car parking provision complying with Brentwood Borough Council's adopted parking standards, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

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

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

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

2. Cycle parking shall be provided for each dwelling in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

Informatives

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

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

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

- **Bats - Mrs S Jiggins:**

No response at time of report.

- **Essex Badger Protection Group:**

Thank you for contacting us regarding this application.

The Essex Badger Protection Group currently has no records of any badgers on or around that application site. The available habitat surrounding the application site is essentially urbanised and, whilst urban badgers are becoming increasingly common as a consequence of habitat loss and over development, there is no current evidence that badgers would be impacted in any way from this scheme.

We therefore have no comments to make.

Thank you again for contacting us regarding this proposal.

- **Anglian Water Services Ltd:**

No response at time of report.

- **Essex & Suffolk Water:**

No response at time of report.

- **Housing Services Manager:**

Further to your consultation request on the above proposed re-development of Willingale Close, I can confirm that Housing Services do fully support the application.

It is critical that we can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Councils waiting lists and reduce and effectively homelessness.

The site is a Council owned 28-unit garage site which is in extremely poor condition and due the age and build is no longer fit for purpose. For the most part, it has historically been used for storage purposes rather than vehicular use. However, currently of the 28 garages only 3 garages are lettable which has attracted an increase in various types of anti-social behaviour in the overall area including fires being set in the garages.

A high proportion of residents are likely to be on lower incomes and are reliant on some form of benefit. For some this means that they cannot afford to heat their homes which can cause associated health, social issues, and poorly maintained homes.

The approach to deliver carbon zero homes will deliver energy efficient homes by using alternative heat sources and heat recovery systems will result in lower running costs which will reduce the impact of these issues.

The planned regeneration of the site will provide not only work towards assisting the Council in the supply of much needed new affordable, low cost housing, and will benefit the overall wider community in providing a community that they would want to live in.

- **Arboriculturalist:**

An ecological assessment was carried out in support of the application which included surveys of the interior of the existing garages. No evidence of bat roosting was found and the buildings were assessed as having no potential for supporting bats. The site is fully developed and contains no features suitable for supporting protected species. I agree with these findings.

The tree survey found that the individual trees and groups within and just outside of the site were of low to moderate value. None of these would require felling to facilitate development. Some works would extend into the theoretical root protection areas; however where this occurred there was existing hardstanding. It is considered that the proposal would not adversely affect any trees.

The proposed layout will provide some areas for new planting to the front of the new houses, although this will be constrained by the need for vehicular access and parking. The detail of the landscape scheme and boundary treatments can be agreed by condition.

Subject to the landscape condition being discharged there is no objection to the proposed scheme on landscape or ecology grounds.

- **Operational Services Manager:**

No response at time of report.

- **Environmental Health & Enforcement Manager:**

Contaminated Land considerations

A condition should be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

o Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered that contamination shall be made safe and reported immediately to the local planning authority. The site shall be assessed and a remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and

completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

- o Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

- o Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of; Monday-Friday.....08.00-18.00 Saturday.....08.00-13.00. No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

- o All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

- o Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

- o Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

- o Radio noise should not be audible at the boundary of the nearest neighbouring property.

- o Neighbouring residential premises should be advised of any unavoidable late night or

early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

6. Summary of Issues

Principle of the Development

The Council is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Replacement Local Plan 2005 remains the Development Plan for the borough and its saved 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 application site is located within an existing residential area within the built up area of Hutton. The development plan does not contain any site-specific policies for the land and the site is not within proximity of any heritage assets or protected designations. The application site currently comprises hardstanding and garages, many of which are in a state of disrepair and appear to be underused. The site is classified as a brownfield site and NPPF within chapter 11 promotes making effective use of land, is supportive of the redevelopment of brownfield sites and making as much use as possible of brownfield sites to deliver new housing. Furthermore paragraph 120 states planning policies and decisions should “*give substantial weight to the value of using suitable brownfield land within settlements for homes...*” The principle of development is therefore supported.

Housing Need and Mix

As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).

Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘Tilted Balance’. This position is set out in paragraph 11d, together with its footnote 8, of the National Planning Policy Framework. The Council does not have a Five Year Housing Land Supply (5YHLS) at present and therefore the ‘Tilted balance’ applies to the consideration of this application.

The delivery of affordable housing is an important issue within the Borough, in Brentwood over the last 5 years (2015/2016 – 2019/2020) there has been an under provision of affordable housing and it is therefore essential that the number of affordable homes being delivered is increased (Brentwood Housing Strategy 2021 – 2026).

This proposal is for three 3 bedroom affordable dwellings for affordable rent, which weighs heavily in favour of the proposal, as it would be meeting an identified need within the Borough and forms part of a larger strategy by the Council to directly deliver new affordable homes. The Council’s Housing Services Department fully supports this application and advises that it is critical the Council can increase the supply of affordable and good quality housing provision within the Borough to ease the burden on the Council’s waiting lists.

Density

The NPPF contains a section regarding density and ensuring that efficient use of land is made. Furthermore, the NPPF states at paragraph 130 that decisions should ensure developments (amongst other things) *“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*

Local Plan Policy H14 states that the Council will expect any proposal for residential development to be of an appropriate density that makes efficient use of land with densities to be no less than 30 dwellings per hectare and 65 dwellings per hectare in central areas or those with good levels of accessibility.

The proposed development would have a density of approximately 20 dwelling per hectare which is below the density sent in Local Plan Policy H14, however this is reflective of the private access road used to access the development, which forms part of the site. If this access road is removed from the calculation the density is approximately 30 dwellings per hectare.

For this suburban area, the housing mix proposed and in relation to the character of the area and its backland location the density of development is considered to be acceptable and would make efficient use of this brownfield site.

Design and Impact on the Character of the Area

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government’s priorities for well-designed places.

The basis of policy CP1 of the Local Plan seeks to ensure that all development respects the visual amenity, character and appearance of the surrounding area, and is of a high standard of design and layout which is compatible with the location and any surrounding development.

The application site is located to the rear of Willingale Close and accessed via a narrow private access road that serves two dwellings as well as the garages. The site is currently covered in hardstanding with two rows of dilapidated garages, one located along the northern boundary and one along the southern boundary. The

surrounding area is residential in nature and characterised by predominantly terraced and semi-detached two storey dwellings.

The proposal would introduce a terrace of three two storey dwellings with parking to the front and private amenity space to the area. The dwellings would be orientated to face west. In terms of layout the proposal is the most logical use of the site and land available, and the development would be reflective of the wider environment and character of the area. The layout also allows for maximising use of natural daylight with the orientation allowing for solar PV panels to the front facing west elevation.

The dwellings would be of a traditional two storey form with gabled flank elevations each end of the terrace. This is reflective of the surrounding built form which is predominantly semi-detached and terraced two storey dwellings of a traditional form. The dwelling would have a fairly modern and contemporary appearance within the traditional built form from detailing on the dwellings such as the recessed doorways and modern fenestration. In terms of materials the ground floor is to be finished in red multi stock brickwork with red hanging tiles to the first floor and red plain tiles to the roof. The surrounding area is predominantly characterised by red brickwork, however there are some rendered dwellings and variety in materials. The materials proposed are therefore considered acceptable and full details can be dealt with via a condition.

Overall, it is considered that the design approach taken is appropriate to the site and wider built environment. The development would therefore comply with Local Plan Policy CP1, as well as the guidance contained within the NPPF and the NDG.

Impact on Residential Amenity

There are a number of residential dwellings located adjacent to the application site, and the development, by its nature as backland development has the potential to impact upon the amenity of neighbouring occupiers to a greater degree. In terms of the proposed use the development of the site for three dwellings within a residential area would be acceptable in principle and would not result in any materially harmful impacts due to noise or disturbance. It is noted that a letter of objection has been received from a nearby resident raising concerns over construction traffic and noise, and whilst these concerns are understood they would only be a temporary issue, and can be managed through the use of a construction method statement to minimise the impact of the development upon surrounding residents

The most up to date Essex Design Guide (EDG) suggests a minimum of 25 metres between the rears of neighbouring properties with habitable windows facing each other. However, the guide states that where new developments backs onto the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Therefore, the new development should not encroach any closer than 15 metres to an existing rear boundary, but where the rears of the

new houses face those of the existing homes at an angle of more than 30°, this spacing may be decreased proportionately, down to a minimum of 1m from the boundary. The EDG recognises that it is not possible to meet the distance standards on all developments, particularly in urban areas where higher density development is located. In such settings design is crucial to ensure that no material loss of privacy or overlooking occurs. Whilst the guidance within the EDG is merely guidance and not a set rule for new development to follow it is a good guide for starting the assessment of a proposed development.

To the north of the application site are No's 28 to 34 (even) Randalls Drive which are a mixture of single storey and two storey semi-detached dwellings. The flank wall of the proposed development would be set 2 metres from the shared northern boundary and whilst there would be two windows within this flank elevation, they would both serve bathrooms and can be conditioned to be obscure glazed and fixed shut (with the exception of a top hung fanlight) to ensure that no material loss of privacy would occur to the occupiers of the dwellings to the north. Whilst the proposal would have the potential to reduce light towards the dwelling to the north due to orientation, it is considered that given the separation distance of 2 metres to the shared boundary and 14 metres flank to rear that this would not be materially harmful. Overall given the positioning of the proposed development away from the boundary, and subject to a condition requiring the windows in the north facing flank elevation to be obscure glazed it is considered that the proposal would not result in any materially harmful impacts towards the occupiers of the dwellings to the north through overlooking, overbearing impact or material loss of light.

To the east of the application site is the private amenity space associated with No. 48 Fairview Avenue. The proposed dwellings would be set between 15 and 16 metres from this shared boundary and would accord with the EDG guidance in terms of distances to the rear boundary. First floor windows within the rear elevation would therefore primarily have views over the proposed rear gardens, and whilst there would be the potential for some loss of privacy this would not be any greater than would exist at present within a built up suburban environment.

To the south of the application site is the private amenity space associated with No. 46 Fairview Avenue and a two storey dwelling currently under construction to the rear of No. 5 Willingale Close. The southern flank wall of the proposed development would be positioned 5.6 metres from the southern boundary of the site with no windows proposed within this flank elevation. Due to the distance between the proposed built form and the site boundary, the orientation of the development to the north of the existing dwellings and the lack of windows within the flank elevation it is considered that the proposal would not result in any material harm to the occupiers of dwellings to the south. It is noted that the bin store and cycle store is to be located within the south west corner of the site adjacent to the boundary with the new dwelling currently under construction. However subject to an appropriate design and finish, which can be dealt with via condition, it is not considered that this element of the proposal would result in any material harm.

To the west of the application site is a recently constructed bungalow at No. 7 Willingale Close. The built form of the proposal would be located between 20 and 22 metres from the shared boundary with this dwelling and due to the distances involved would not result in any materially harmful impacts.

In terms of the use of the access and impacts that this could cause it must be noted that at present the access serves the existing two dwellings and 28 garages, and therefore under its current lawful use could result in a higher number of vehicular movements than the proposal of three additional dwellings. Whilst in reality most of the existing garages are empty and unused, and only 3 are lettable, the movements are unlikely to be significantly more than the current use and would not result in any materially harmful impacts through noise and disturbance.

Internally within the development it is noted that there is the potential for some overlooking from first floor windows towards the rear amenity space of the adjoining dwelling(s). However, this is not unusual within terraces of dwellings or over and above what would be expected within a suburban development.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with the guidance set out within the EDG as well as Local Plan Policy CP1 (ii).

Access, Parking and Highway Safety

The existing vehicular access to the site is to be retained and utilised for the proposed development. Parking for the proposed dwellings would be to the front of the site, with two spaces proposed for each property, along with a shared cycle store. Additional cycle storage would be located in the rear garden of each dwelling. A turning head would also be created at the end of the access road clear of the parking spaces.

Essex County Council Highways have been consulted on this application and advise that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions.

ECC Highways advise that the site currently sees very limited use due to the age of the facility and its inability to accommodate modern cars. Given its lack of usefulness, the existence of a suitable access onto the highway and the proposed car parking provision complying with Brentwood Borough Council's adopted parking standards no objection is raised to the loss of the existing garages and provision of proposed parking.

As detailed above the parking provision meets the adopted standards and each dwelling will have access to an EV charge point which is welcomed. Provision of

the parking spaces, and full details of the cycle store can all be dealt with via planning conditions.

Overall, it is considered that the proposal is acceptable in terms of highway access, parking and highway safety.

Private Amenity Space and Landscaping

For development comprising family dwellings of three bedrooms the Council generally expects to see provision of private amenity space of 100m² per dwelling. This proposal would adhere to this standard with the three dwellings having private amenity spaces of 102, 136 and 190m².

In terms of landscaping the site is currently covered in hardstanding with limited soft landscaping present to the very edges of the site. The application has been supported by a Tree Survey, Implications Assessment and Outline Method Statement.

The tree survey found that the individual trees and groups within and just outside of the site were of low to moderate value. None of these would require felling to facilitate development. Some works would extend into the theoretical root protection areas; however, where this will occur there is existing hardstanding. The submitted outline method statement details how the new bin collection point will be constructed using no-dig construction for the area of paving to minimise any impact upon the adjacent trees. It is considered that the proposal would not adversely affect any trees.

The proposed layout will provide some areas for new planting to the front of the new houses, although this will be constrained by the need for vehicular access and parking. The detail of the landscape scheme and boundary treatments can be agreed by condition.

Ecology

Paragraph 174 of the NPPF states that "*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*"

Policy C3 of the replacement local plan deals with the conservation of biodiversity, and seeks to ensure that appropriate levels of protection are given to county wildlife sites, local nature reserves and other habitats and natural features of local value.

The application has been supported by an Ecological Survey and Assessment which found no suitable habitat for any protected species. The Council's consultant confirmed agreement with these findings. The report concludes with recommendations for reasonable biodiversity enhancements including creating gaps in fences for hedgehogs, provision of a hedgehog nesting box, provision of

two solitary bee hives and bird nesting boxes. These biodiversity enhancements can be secured through a planning condition.

Subject to condition it is considered that there is no objection to the proposal on ecological grounds and the development has the potential to result in net gains for biodiversity in line with government guidance.

Flood Risk and Drainage

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1 for flooding from rivers and seas and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.

The application has been supported by a Flood Risk Assessment which advises that according to the EA's risk of flooding from surface water (pluvial) flood mapping, the site is at a variable risk of pluvial flooding ranging from very low to high. A small area of within the north west section of the site (area of soft landscaping and part of the turning head) is at high risk of pluvial flooding, with flood depths of up to 0.6m. In all scenario's, the area proposed for the dwellings would experience maximum flood depths of up to 0.3m.

In order to mitigate against this potential pluvial flooding the report states that finished floor levels of the proposed development should be set at least 0.3m above the surrounding ground levels which would be sufficient to mitigate the risk of flooding from groundwater sources at the surface. Furthermore, a Sustainable Drainage Strategy (SuDS) should be developed for the Site, for effective management of surface water runoff over the lifetime of the proposed development.

The proposal would reduce run-off from the site overall as the site is currently completely hard surfaced and this proposal would introduce soft landscaping. Full details of the mitigation required can be dealt with via a planning condition.

In terms of foul drainage the development will connect to the mains sewer which is the preferred method.

Overall, it is considered that subject to appropriate planning conditions the development is acceptable in flood risk and drainage terms.

Contamination

The application has been supported by a Preliminary Risk Assessment which advises there is the potential for localised made ground of unknown chemical composition beneath the site and potential contaminants related to fly tipping and the former site use as garages. Therefore, intrusive exploratory works including

laboratory testing and subsequent risk assessment are recommended. These can be dealt with through the use of planning conditions as recommended by Environmental Health.

Waste Management

A bin store is proposed to the south west of the dwellings adjacent to the boundary with the new dwelling currently under construction to the rear of No. 5 Willingale Close. As the dwellings are set down a private access road a bin collection point is proposed closer to Willingale Close to prevent the refuse vehicle having to access the site. Full details of the bin store and bin collection point can be dealt with via conditions.

Sustainability

The purpose of the planning system is to contribute to the achievement of sustainable development. In determining whether a proposal would represent sustainable development there are three objectives which must be considered;

- An economic objective,
- A social objective, and
- An environmental objective.

Paragraph 38 of the NPPF states that “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*”

The application site is considered to be located within a sustainable location with access to local services and facilities, including a primary school and shops, and access to a wider range of services and facilities through public transport links with the closest bus stop located on Hutton Drive approximately 240 metres to the south of the application site.

In terms of the economic objective the proposal would result in additional employment during construction, and during the lifetime of the development the additional residents would help support the local economy. The economic objective is therefore considered to be met.

In social terms the proposal would provide three 3 bedroom affordable homes for affordable rent. There is a shortage of affordable homes within the Borough and the provision of a new 100% affordable housing development weighs heavily in favour of the scheme. It would provide new affordable dwellings in a sustainable location, whilst making best use of a brownfield site. The social objective is therefore also considered to be met.

In terms of environmental sustainability, the location and accessibility to services and facilities has already been discussed. Furthermore, the design and appearance of the development is considered to be in keeping with the surrounding area and

acceptable as detailed above. The development is also designed to result in net operational zero carbon emissions once developed. This is to be achieved through a manner of ways including:

- Improved U-Values
- Enhanced air tightness
- High efficiency localised air source heat pumps (ASHP)
- High efficiency building services
- Smart metering and controls
- LED lighting and automatic controls
- Water saving technologies
- Roof mounted PV panels

The energy efficient and zero carbon in use nature of this development would result in dwellings that are affordable to run future proofing these affordable homes for both future occupants and a changing climate. The environmental objective is therefore considered to be met.

Any Other Considerations

It is noted that within a letter of representation a neighbour has requested covenants be added to any dwelling built relating to the planting of trees/shrubs. Covenants are not a planning matter and cannot be added into any permission granted. However, a soft landscaping condition is recommended to deal with the details for soft landscaping on the site. Furthermore, a request has been raised for access to a neighbouring property for maintenance. At present there is no access arrangements for maintenance and again this is a civil matter and not a planning consideration.

Pre-commencement conditions are recommended in relation to contamination (condition No.s 5, 6 and 7) and submission of a construction method plan (condition No. 4). In accordance with legislation the agent has confirmed agreement to the imposition of these pre-commencement conditions should planning permission be granted.

Conclusion

The proposal represents re-development of a brownfield site within a sustainable location and the development of the site for 3 residential units would assist in making up the deficit in the Five Year Housing Land Supply (5YHLS). The principle of the development is therefore supported and paragraph 120 of the NPPF makes it clear that planning decisions should “*give substantial weight to the value of using suitable brownfield land within settlements for homes...*”

Furthermore, the development is for 100% affordable housing which weighs heavily in favour of the scheme and Housing Services have advised that it is critical the Council can increase the supply of affordable and good quality housing provision

within the Borough to ease the burden on the Council's waiting lists. The creation of a 'zero-carbon' (in use) development is also a significant benefit of the scheme, especially for affordable homes. National guidance states at paragraph 134 that significant weight should be given to "*outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*". It is considered the development would accord with paragraph 134 and would result in a development that can provide healthy and affordable units of accommodation. Housing Services advise that a high proportion of residents are likely to be on lower incomes and are reliant on some form of benefit. For some this means that they cannot afford to heat their homes which can cause associated health, social issues, and poorly maintained homes. The approach to deliver carbon zero homes will deliver energy efficient homes by using alternative heat sources and heat recovery systems will result in lower running costs which will reduce the impact of these issues. As a result, the environmental and social benefits of this Council-led regeneration scheme are substantial and would accord with Councils corporate strategy (Brentwood 2025) which commits to introducing "*innovative carbon reduction and absorption schemes*" which "*identify opportunities for low emission and green developments*" all whilst using brownfield sites efficiently, such as council-owned garage sites.

The design approach taken is considered to be appropriate to the site, and whilst it would represent back land development, it is of a logical layout that would appear in keeping with the pattern and form of development within the surrounding area. As acknowledged above within this report the development is not of a particularly high density, however it is providing family homes, which have a greater land take than smaller apartments, and is also reflective of the density and character of the surrounding built form and is designed to ensure it would not materially harm the amenities of existing residents. The development would also benefit from adequate off road parking as well as meeting amenity space standards. On this basis the approach taken in terms of the form, density and layout is considered to be acceptable.

Overall, it is considered that the proposal would represent sustainable development as defined within the NPPF and in line with the Development Plan should be approved subject to the conditions below.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

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

Reason: To ensure that the development is as permitted by the local planning authority.

3. The dwellings hereby approved shall be used as affordable housing as defined within the National Planning Policy Framework.

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

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

- the parking of vehicles of site operatives and visitors
- a waste management plan
- details of measures to minimise noise and vibration during construction and demolition
- measures to control the emission of dust and dirt during construction
- loading and unloading of plant and materials
- site set-up including arrangements for the storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- hours of works

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 minimise the impact of the construction of the development upon the environment in accordance with Policies CP1 and T2 of the Brentwood Replacement Local Plan.

5. Prior to commencement of the development hereby permitted an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination,

- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments,
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's guidance on land contamination risk management (LCRM)

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

6. No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that any contamination on the land is remediated in the interests of future occupiers of the site as well as neighbouring land uses and the water environment .

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that any contamination on the land is remediated in the interests of future occupiers of the site as well as neighbouring land uses and the water environment.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that any contamination on the land is remediated in the interests of future occupiers of the site as well as neighbouring land uses and the water environment.

9. No development works above ground level shall take place until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

Reason: To ensure that surface water is effectively dealt with on site and prevent flooding.

10. No development works above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The inspection of material samples shall be undertaken on site unless otherwise agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons: In order to safeguard the character and appearance of the area and for the avoidance of doubt.

11. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- i) Boundary treatments;
- ii) Hard surfacing, including materials and finishes;
- iii) Soft landscaping, including planting plans with schedules of plant species, plant sizes and proposed planting numbers/densities, written specifications (including cultivation and other operations associated with plant and grass establishment) and a programme of implementation and maintenance.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use/occupation of the development hereby approved and retained and maintained as such thereafter.

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

12. The development hereby permitted shall be carried out in accordance with the Outline Method Statement (Tree Survey, Implications Assessment and Outline Method Statement by wynne-williams associates dated December 2021) submitted in support of this application unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the appropriate protection for trees both on and close to the application site in the interest of the character and appearance of the area.

13. The development hereby permitted shall be carried out in accordance with the recommendations for biodiversity enhancements contained within the Ecological Survey and Assessment undertaken by John Dobson and dated December 2021 submitted in support of this application unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact of the development upon biodiversity and seek to provide net gains in accordance with guidance contained within the National Planning Policy Framework.

14. Notwithstanding the details submitted with this application prior to any works occurring above ground level at the application site full details of the bin store and bin collection point shall be submitted to and agreed in writing by the local planning authority. The bin store and bin collection point shall both be provided as per the agreed details prior to the first occupation of the development.

Reason: To ensure that both the bin store and bin collection point are appropriate in terms of size, function and aesthetics.

15. No works related to the alteration of ground levels at the site and no works above ground level other than demolition of the existing garages shall occur until details of existing and proposed ground levels and proposed finished floor levels, and their relationship to the adjoining land have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

16. Prior to the first occupation of the dwelling on plot 3 hereby permitted, the ground and first floor windows in the north facing flank elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).

Reason: To protect the living conditions of nearby residents.

17. Prior to the first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing WC-03. Each parking space shall have dimensions in accordance with the current parking standards. Furthermore, an electric vehicle charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking area shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with the adopted vehicle parking standards.

18. Notwithstanding the details submitted with this application prior to any works occurring above ground level at the application site full details of the cycle parking as shown on plan reference WC-03 shall be submitted to and agreed in writing by the local planning authority. The cycle parking shall be provided as per the agreed details prior to the first occupation of the development.

19. Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, which shall previously have been submitted to and approved in writing by the local planning authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

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 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, CP2, H14, H16, T2, T5, C5, IR5, PC1 National Planning Policy Framework (NPPF) 2021 and NPPG 2014.

3 INF07

Attention is drawn to conditions that require the submission and approval of details prior to the commencement of development. Failure to comply with these conditions may result in the planning permission becoming invalid with the possibility of planning enforcement action being taken by the Council.

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.

5 U0008514

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

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

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

6 U0008515

Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

7 U0008516

Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday-Friday.....08.00-18.00

Saturday.....08.00-13.00.

No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

Radio noise should not be audible at the boundary of the nearest neighbouring property.

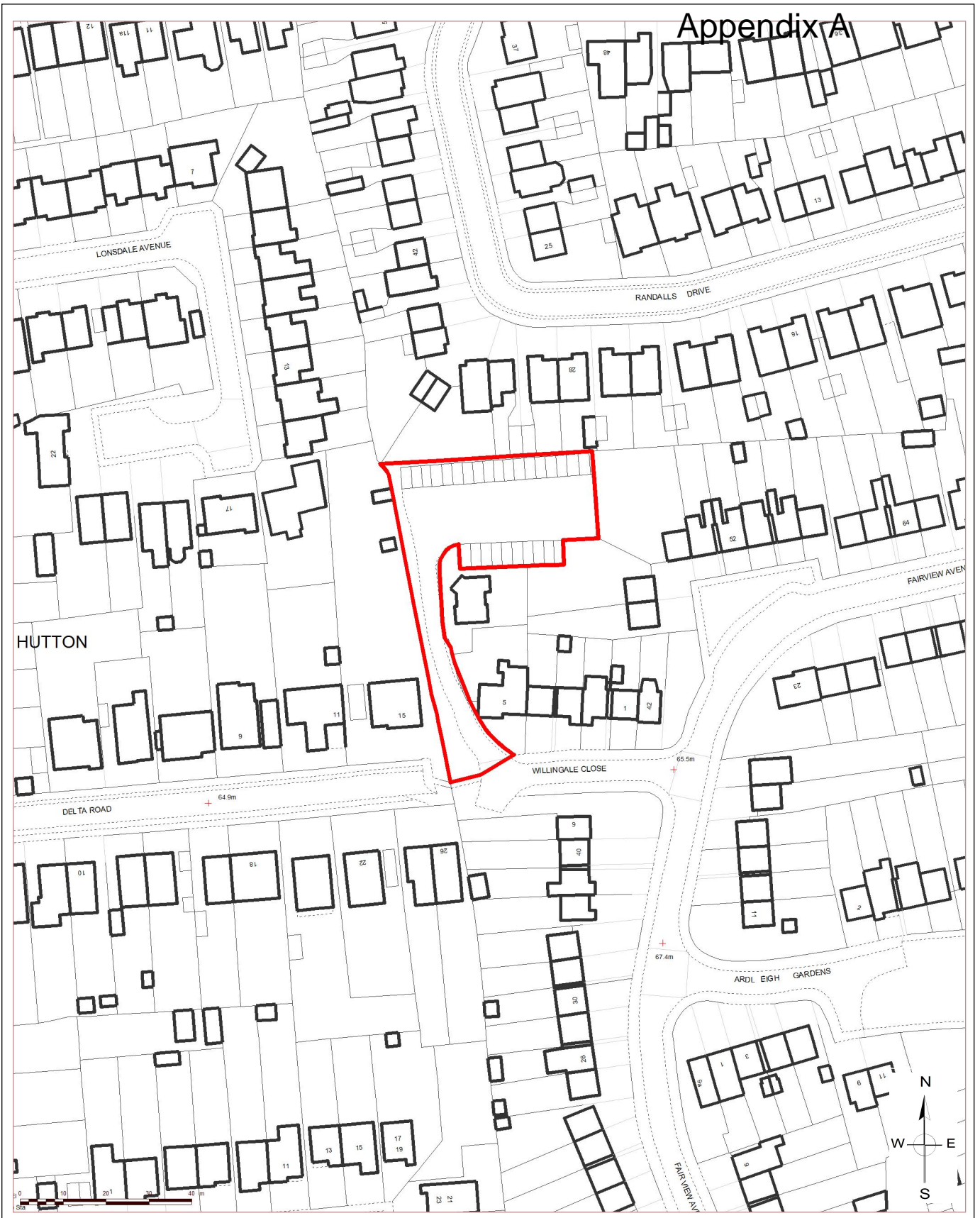
Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

BACKGROUND 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

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Appendix A



Title : Garages, Willingale Close, Hutton, Brentwood, Essex

21/02117/FUL

Scale at A4 : 1:1250

Date : 22nd February 2022

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



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Committee(s): Planning and Licensing Committee	Date: 22 February 2022
Subject: Planning Appeals Update (December 2021 – January 2022)	Wards affected: All
Report of: Phil Drane, Corporate Director (Planning and Economy)	Public
Report Author: Mike Ovenden, Associate Consultant Planner Email: mike.ovenden@brentwood.gov.uk	For Information

Summary

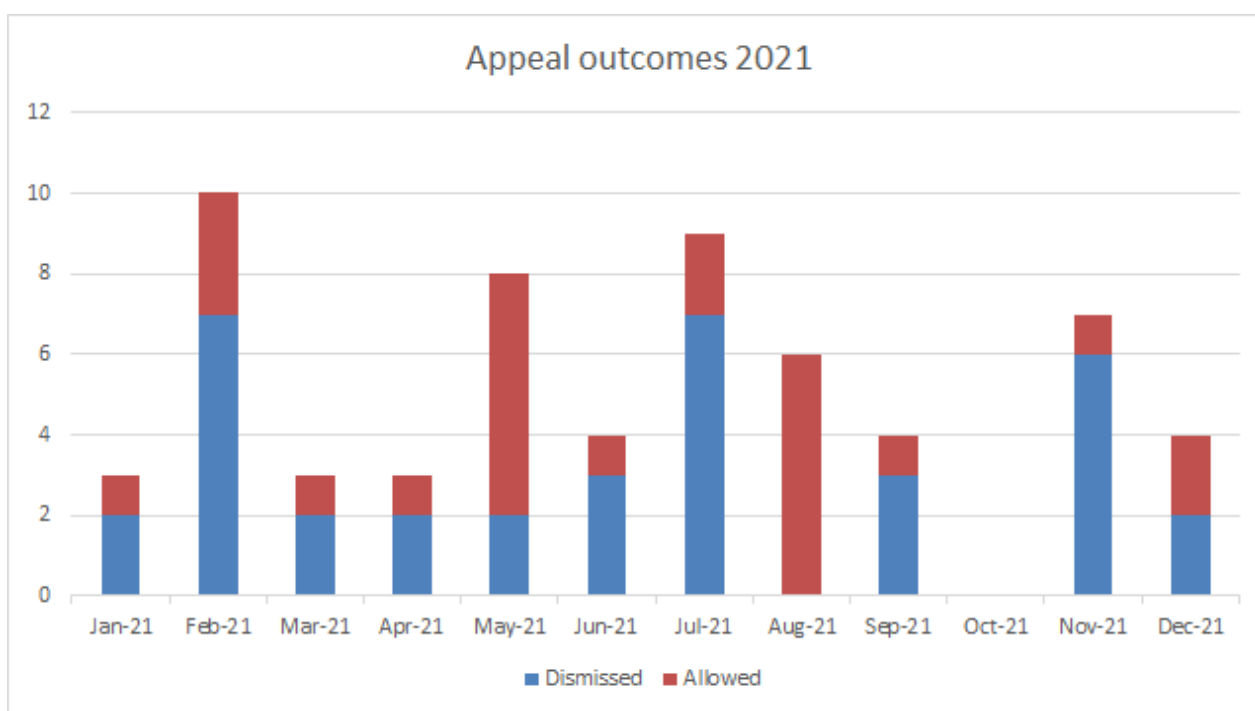
This report provides the Committee with summaries of recent planning appeal decisions.

Main Report

Introduction and Background

1. This report provides a summary of recent decisions concerning appeals relating to sites in the borough. This is part of a regular series of updates brought to the Planning and Licensing Committee for information, the most recent update brought on 15 December 2021 (Item 253).
2. The summaries in this report show that different inspectors can reach different views on similar matters, for example the degree of consistency between the 2005 local plan and the National Planning Policy Framework (NPPF). Inspectors are sometimes inconsistent in their approach to the conditions they are willing to impose, for example requiring provision of a travel information pack, often requested by highways, and also on the removal of specified permitted development rights.
3. The committee is aware that a local planning authority record of success for defending appeals is the measure taken by the Department for Levelling Up, Housing and Communities (DLUHC) to assess the quality of its decision making. This is broken down into Majors (M) and Non-Majors (NM) with a maximum allowable 'loss rate' of ten percent of the total number of applications of that type determined. The measure is challenging for majors due to the low number of such applications the authority receives, in contrast to the measure for non-majors. The summary below identifies the type of appeal in each case. Any cases relating to applications determined by the committee are marked with a (C).

4. The application documents and the appeal decisions are available to view on the Council's website at www.brentwood.gov.uk/planning via Public Access.
5. When the report was last discussed at committee, there was a request for information on other authorities in Essex for the purposes of comparison. Officers are considering how best to provide the information as a straight comparison might be misleading. For example, appeal performance is likely to be influenced by the status and age of the authority's local plan, the existence and extent of green belt and whether the 'tilted balance' is invoked due to land supply or delivery issues.



Note: No appeal decisions received in October 2021.

Appeal Decisions

6. The following appeal decisions have been received since 26 November 2021.

Application No:	20/01694/HHA (NM)
Location:	51 Tor Bryan, Ingatestone,
Proposal:	Demolish rear conservatory and construct part single, part two storey rear extension with covered patio
Appeal Decision:	Appeal Dismissed 26 November 2021

The main issue was the effect of the proposal on the character and appearance of the Conservation Area. The Inspector considered that the proposal would significantly change the character and appearance of the host dwelling, including the rear roof scape, rear and side elevations, and be out of scale with the neighbouring properties and different in terms of design, when compared with the surrounding character of the Tor Bryan estate. The appeal was dismissed.

Application No:	20/01296/FUL (NM)
Location:	Braehurst East Avenue Road Ingatestone Essex
Proposal:	Demolish ground floor side extension of the existing Braehurst East house and the construct detached 4 bedroom 2 storey house.
Appeal Decision:	Appeal Dismissed 26 November 2021

The main issue was the effect of the proposal on the character and appearance of the area. The Inspector agreed with the planning officer in that the density of Avenue Road changes from east to west, with the appeal site relating to lower density development. The Inspector considered the introduction of a dwelling would diminish the spatial gap between buildings that would be out of keeping with the low density and character of the eastern part of Avenue Road. The Inspector concluded that the development would harm the character and appearance of the area and conflict with Chapter 12 of the NPPF and CP1 (i) and (iii) of the local development plan. The appeal was dismissed.

Application No:	21/00609/HHA (NM)
Location:	40 Stocksfield Kelvedon Hatch Brentwood Essex
Proposal:	Two storey front extension, single storey rear extension part conversion of garage.
Appeal Decision:	Appeal Dismissed 26 November 2021

The main issue was the effect of the proposal on the character and appearance of the host building and surrounding area. The Inspector considered that the two storey front extension would alter the uniformity of common building line with the neighbouring dwellings and thus harm the character and appearance of the street scene. At the rear, the differing heights of the rear extensions, the hipped roofed dining room and flat roof that would wrap around the rear of the garage, extending above the boundary wall and overall width extending beyond the main house and along the rear of the attached garage would lead to a dominant and bulky addition. Concluding that both the front

and rear extensions would harm the character and appearance of the host dwelling and because of the prominent corner position would also harm the street scene. The appeal was dismissed.

Application No:	21/00861/HHA (NM)
Location:	116 Chelmsford Road Shenfield Brentwood Essex
Proposal:	Increase in height of ridge and dormer window to rear to create second floor, first floor front extension and alterations to fenestration.
Appeal Decision:	Appeal Dismissed 26 November 2021

The main issue was the effect of the proposal on the character and appearance of the building and the surrounding area. The Inspector considered that the site is set amongst pairs of houses that have similar ridge heights, which diminish in height down the hill, creating a rhythm with contributes to the character and appearance of the group of houses, although some have been extended and altered. The increase in height by 0.75 metres would break up the rhythm of the roofscape and appear incongruous and out of scale. The proposed rear dormer would fill most of the roof place and along with the increase in height would appear top heavy and out of proportion with the existing dwelling and neighbours. The appeal was dismissed.

Application No:	21/00346/HHA (NM)
Location:	39 Conifer Drive, Warley, Brentwood
Proposal:	Demolition of existing conservatory and construction of two storey rear extension to include Juliette balconies to the side and rear. Insertion of two pitched roof rear dormer windows to existing garage and conversion of one garage to habitable accommodation, along with alterations to the fenestration.
Appeal Decision:	Appeal Allowed 3 December 2021

The Inspector considered the main issues were the effect upon the character and appearance of the area and the living conditions of neighbouring occupiers. The Inspector noted that the roof of the extension would be set lower than that of the main house and would appear subservient to the host dwelling. In relation to the rear dormer addition to the garage, it was considered that the dormers would not dominate the garage roof and that they would be seen within the context of the wider area, should the screening at the rear be removed.

In relation to the neighbouring amenity, the proposed window openings would have a distance of approximately 15 metres to the rear garden boundaries. There is considered to be an element of overlooking from neighbouring properties in Guardsman Close and is considered that the additional potential overlooking would not harm the living conditions of No. 4 and 5 Guardsman Close to a degree that would warrant withholding planning permission. The appeal was allowed.

Application No:	21/00151/ADV (NM)
Location:	6 Ongar Road, Brentwood
Proposal:	Removal of existing timber advertisement board and replacement with 1 x internally illuminated LED digital Advertisement of a smaller size.
Appeal Decision:	Appeal Dismissed 3 December 2021

The main issue is the effect of the proposed advertisements on amenity. The Inspector noted the appeal site was outside of the Brentwood Town Centre Conservation Area but close to it. Wilsons Corner; a building of 'architectural merit' that is inside the conservation area, was also noted as being visible from the appeal site. The Inspector stated there are many advertisements close by, but a limited number of illuminated advertisements. The proposed digital signage would be highly visible from the junction and approach to the conservation area and would detract from views of Wilsons Corner. The Inspector considered the use of landscaping and the control of brightness of the digital signage would not overcome the harm identified. The Inspector concluded the proposal would conflict with paragraph 136 of the NPPF and local policies CP1, C14 and C21 of the development plan. The appeal was dismissed.

Application No:	19/00152/UNLCOU (NM)
Location:	Rustic Dene, Parkwood, Doddinghurst Road, Doddinghurst
Proposal:	Appeal against the creation of an additional separate primary self-contained residential dwelling house known as Malaika House i.e. planning unit within the existing residential curtilage of the land known as Rustic Dene
Appeal Decision:	Appeal Allowed Enforcement Notice Quashed 10 December 2021 and Costs allowed

Ground (d)

For an appeal to succeed on this ground, the appellant must satisfy the Inspector on the balance of probabilities that it was not possible for the Council to take enforcement action on the date the notice was issued. The enforcement notice was issued on 11 November 2020, alleges unauthorised development through the creation of Malaika House as an additional separate primary self-contained residential dwelling house. The change of use of the summerhouse to a single dwelling took place before 11 November 2016 and subsequently it was too late for the Council to have issued the notice. Therefore, the ground (a) appeal (the planning merits of the development) did not need to be considered.

Costs

Costs may be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Paragraph 48, states LPA's are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would have either avoided the need to serve the notice in the first place, or ensured that it was accurate.

The Inspector considered that the Council's case for issuing the notice and defending the appeal lacked merit in the face of precise and unambiguous evidence from the appellant that immunity has been acquired for the use of Malaika House as a separate dwelling.

He concluded that unanswered correspondence from the Council to the appellants agent and positive engagement with the agent would have obviated the need for the notice and subsequent appeal. Furthermore, the Inspector considered that the Council had failed to substantiate each reason for serving the enforcement notice on the appeal. Evidence relating to parking contradicted the highways related reason for issue cited in the notice, by way of the parking provision met the policy. This concession could have been made earlier, rather than have the appellant's team deal with it in its evidence.

Application No:	21/00073/FUL (NM)
Location:	Hall Farm, Hall Lane, Shenfield
Proposal:	Demolition of existing stables building and construct single storey detached dwellinghouse with associated parking and landscaping.
Appeal Decision:	Appeal Allowed 29 December 2021

There were two main issues – the effect on the green belt and on the setting of Hall Farm, a grade II listed building. The Inspector considered that the proposal would bring

about some improvement to green belt openness. The appeal site made a limited contribution to the setting of the listed building and the proposal would not compete or detract from the preeminence of the listed building.

Application No:	21/01167/HHA (NM)
Location:	90 Long Ridings Avenue, Hutton
Proposal:	Two storey side extension, part single storey rear to include roof lantern and single storey front extension to include canopy roof and pitched roof to porch.
Appeal Decision:	Appeal Dismissed 13 December 2021

Following a review of examples of perceived similar development, brought forward by the applicant at application and appeal stage, in the surrounding area the inspector considered the examples did not relate directly to the appeal site. This was due primarily to differing relationships with surrounding buildings, in the context of the appeal site the bungalows to the east have a building line set significantly behind the two storey side extension proposed. As such, this would result in an extension that would be highly visible from the nearby junction and from Woodland Avenue, substantially reducing the space to the side of the dwelling and projecting closer to the highway than nearby examples, especially to the rear where the site tapers inward. Overall, the proposal was concluded to be prominent, intrusive and cramped, and the sense of spaciousness to the side of the dwelling would be eroded, in conflict with Policy CP1 of the BRLP - which requires development not to have an unacceptable detrimental impact on the character and appearance of its surroundings.

Application No:	21/00702/FUL (NM)
Location:	The Auction Gallery, 45 North Road, Brentwood
Proposal:	Demolition of the existing building (auction house) and the construction of a detached office building with integral garage and storage area.
Appeal Decision:	Appeal Dismissed 4 February 2022

The main issue is the effects of the proposed development on the character and appearance of the area. The Inspector considered the proposed development would lead to the creation of a building that would stand taller than those immediately adjacent to it, increasing its visual dominance and divergent roof design that would be clearly visible from public land. The Inspector considered the rear dormer wouldn't be

unacceptable given it would not be visible from public land. The Inspector considered the fallback position put forward by the appellant (an extant permission) would have a less detrimental effect on the character and appearance of the area. The Inspector concluded the proposed development would harm the character and appearance of the area by way of its roof form and height contrary to policy CP1, the Town Centre Design Guide SPD, the NPPF and the National Design Guide. The appeal was dismissed.

Application No:	21/00382/FUL (NM)
Location:	Ongar Road Dentist, 16 Ongar Road, Brentwood
Proposal:	Proposed extension forming second floor
Appeal Decision:	Appeal Allowed 2 February 2022

The Inspector considered the main issues were the effect upon the character and appearance of the area. The Inspector noted that the recent development opposite the appeal site, of up to 4 storeys high, which due to its height, prominent location and striking design, defines the character and appearance of the area. The Inspector agreed that No. 16 and No. 14 readily relate to each other. However, given the dominant character and appearance of the development across the road, the proposal would not appear incongruous within the streetscape, with the pitched roof in keeping with the dominant roof design. The appeal was allowed.

Application No:	21/01098/HHA (NM)
Location:	96 Woodman Road, Warley
Proposal:	Hip to gable loft conversion to include dormer to rear, and roof lights to front. Alterations to chimney stacks.
Appeal Decision:	Appeal Dismissed 3 February 2022

The main issue for this appeal was the effect of the proposed development upon the character and appearance of the surrounding area.

The principle of the alterations proposed were acceptable, and no objections were raised by the Council or the Inspector in respect of the roof alterations (hip-to-gable) or the provision of front roof lights. The Council had raised a concern in respect of the chimney alterations, which the Inspector concluded was, after confirmation from the appellant, an error whereby the chimney pots had been excluded which would ensure a design in keeping with the surrounding buildings.

Most importantly, the rear dormer window would cover the majority of the roof space to the rear of the building with a height similar to the ridge of the building and a width

extending the full width of the building. The substantial size was considered to be bulky and overly large addition not subservient to the building contrary to policies CP1 and H17 of the local plan. Despite being only partially visible from the street scene, it was nevertheless visible from the surrounding dwellings and would have a significant impact upon the character and appearance of the area. The proposed fenestration (glazing) was also considered to draw attention to the top-heavy appearance and discordant nature when compared to the traditional appearance of the existing and surrounding buildings fenestration.

In addition, the Inspector gave consideration (and substantial weight) to a permitted development fallback position. However, the proposed dormer and fenestration was larger than what was allowed under permitted development rights and therefore would have a greater impact upon the character and appearance of the area. The lesser scale of the fallback position was considered to be preferable and did not justify the acceptance of the harm identified within the appeal. The appeal was consequently dismissed.

Application No:	21/00321/PN42 (NM)
Location:	2 Danes Way, Pilgrims Hatch
Proposal:	Single storey rear extension. The proposed extension would extend 5.0m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.9m and the proposed eaves height would be 2.7m
Appeal Decision:	Appeal Allowed 10 February 2022

The main issue was whether the proposed extension was permitted under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Inspector considered, despite differences between the dimensions of the extension set out with application form and those within the drawings, that the development would comply with the conditions, limitations and restrictions applicable to the development permitted by Class A.

In addition, an existing (original) side extension was to be demolished as part of the proposed works. Whilst there was an extant permission which would see this extension's demolition, there was no certainty that the permission would be implemented. Nevertheless, its inclusion within this proposal was accepted by the Inspector as it did not infringe upon the rear extensions' compliance with the above Class. No objections to the proposal had been received, therefore no assessment of the

development upon the amenities of neighbours was required (paragraph A4.7). The appeal was allowed and prior approval was granted.

Consultation

7. Individual applications include statutory consultation periods.

References to Corporate Strategy

8. The Council's Planning Development Management team perform statutory planning functions as the local planning authority. The team assists in achieving objectives across the Corporate Strategy, including economic growth, environmental protection, community development and delivering effective and efficient services. The planning appeals system is part of the local decision-making process.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

9. There are no direct financial implication arising from this report. The cost of defending appeals is covered by the Development Management budget. Lost appeals can result in additional financial implications if costs are awarded, for instance. This is projected and considered when setting the budget.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

10. There are no legal implications arising from this report.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning & Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

11. There are no direct economic implications arising from the report. Monitoring the performance of the Planning Development Management service is important to maintain the Council's role in delivering quality development in line with local and national policies.

Background papers

- Item 253, Planning and Licensing Committee, 15 December 2021, Planning Appeals Update (July – November 2021)
- Item 90, Planning and Licensing Committee, 27 July 2021, Planning Appeals Update (February – July 2021)

Appendices to report

None

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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.