



# Agenda

## Planning Committee

Tuesday, 27 June 2023 at 7.00 pm

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

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### Membership (Quorum – 4 )

Cllrs Mynott (Chair), M Cuthbert (Vice-Chair), Dr Barrett, Bridge, Mrs N Cuthbert, Mrs Francois, Gelderbloem, Gorton, Heard, McCheyne, Munden and Mrs Murphy

### Substitute Members

Cllrs Barber, Barrett, Hirst, Laplain, Marsh and Sankey

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### Agenda

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<a href="#">Live stream to start at 7pm and available for repeat viewing.</a>			
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Jonathan Stephenson  
Chief Executive

Town Hall  
Brentwood, Essex  
19.06.2023

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### Information for Members

#### Substitutes

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

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

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#### Rights to Attend and Speak

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

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

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

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

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##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

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

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### Information for Members of the Public

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#### Access to Information and Meetings

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Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

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

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

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

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

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

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

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

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 **Private Session**

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

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 **Evacuation Procedures**

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



## Minutes

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### Planning Committee Wednesday, 22nd March, 2023

#### Attendance

Cllr Tanner (Chair)	Cllr Gelderbloem
Cllr Barber (Vice-Chair)	Cllr Jakobsson
Cllr Dr Barrett	Cllr Mynott
Cllr M Cuthbert	Cllr Parker
Cllr Fryd	Cllr Sankey

#### Apologies

Cllr Laplain	Cllr Mrs Murphy
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#### Substitute Present

Cllr Mrs N Cuthbert  
Cllr Mrs Pearson

#### Also Present

Cllr Bridge

#### Officers Present

Caroline Corrigan	- Corporate Manager (Planning Development Management)
Phil Drane	- Director - Place
Zoe Borman	- Governance and Member Support Officer
Steve Summers	- Strategic Director

#### 432. Apologies for Absence

Apologies were received from Cllrs Laplain and Murphy. Cllrs Mrs N Cuthbert and Mrs Pearson were substituting.

#### 433. Minutes of the Previous Meeting

The Minutes of the last meeting held on 14<sup>th</sup> March were approved as a true record subject to the addition of Cllr Mynott's declaration of interest as a Trustee of Brentwood Community Transport at item 405.

#### 434. APPLICATION NO: 22/01562/FUL DE ROUGEMONT MANOR GREAT WARLEY STREET GREAT WARLEY BRENTWOOD ESSEX CM13 3JP

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

Mr Drane advised that the late Addendum to the report was before Members to clarify points which had been raised by consultees and Members given the complexity of the application.

Ms Kathryn Williams introduced the report to the Members.

The Committee then heard from resident Ms Donna Shearing who spoke in favour of the application.

Mr Phillip Barrett, spoke on behalf of the Great Warley Conservation Society, raising issues including inappropriate development in the Green Belt and the lack of infrastructure such as schools and doctors.

Members then heard from the Agent on behalf of the Applicant, Mr James Delafield in support of the application.

Cllr Tanner thanked the officers for the report. He was satisfied with the very special circumstances outlined and the heritage issues having been addressed and **MOVED** that the application be **APPROVED**. This was **SECONDED** by Cllr Barber.

Following a full debate, Members voted as followed:

FOR: Cllrs Barber, Gelderbloem, Jakobsson, Pearson, Parker, Tanner.

AGAINST: Cllrs Barrett, M Cuthbert, Mrs M Cuthbert

ABSTAIN: Cllrs Fryd, Mynott, Sankey

The motion that a **RESOLUTION TO GRANT PERMISSION** was **APPROVED** subject to S106 legal agreement and the conditions outlined in the report.

**435. Planning Appeals Update (December 2022 to February 2023)**

This report provides Members with a summary of recent planning appeal decisions.

Members welcomed this report as very informative.

Following a full discussion, Members noted the report.

**436. Urgent Business**

There were no items of urgent business. The Chair thanked Members of the Committee for their support this year.

The meeting concluded at 20.40

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SITE PLAN ATTACHED

**CLAY HALL DAYS LANE PILGRIMS HATCH BRENTWOOD ESSEX CM15 9SJ**

**REMOVAL OF CONDITION 4 (PERMITTED DEVELOPMENT RIGHTS FOR EXTENSIONS TO THE DWELLINGHOUSE) OF APPLICATION 01/00561/FUL(CHANGE OF USE TO A DWELLING FOR OCCUPATION BY EQUESTRIAN WORKER)**

**APPLICATION NO: 23/00207/FUL**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	17 April 2023
<b>PARISH</b>		<b>Ext. Of Time</b>	TBC
<b>CASE OFFICER</b>	Brooke Pride		
<b>Drawing no(s) relevant to this decision:</b>	AHUB2202001-2; Site Plan; Block Plan; Planning Statement;		

**The application has been referred to the Committee by Councillor Vicky Davies for the following reasons: condition 4 is very restrictive in that it doesn't allow any extensions or any alterations to the external appearance of the host dwelling. The condition is considered unreasonable and fails the test of a condition as set out in the framework and guidance.**

## **1. Proposals**

The application is made under S73 of the Town and Country Planning Act which allows the Local Planning Authority to vary or remove a planning condition on an existing planning permission, in this case condition 4 attached to permission 01/00561/FUL Change of Use to a dwelling for occupation by equestrian worker approved by the Planning Committee on 15 August 2001. The condition required the following:

*Notwithstanding the Town and Country Planning (General Permitted Development Order 1995, or any subsequent re-enacting Order, no extensions whatsoever shall be erected to the building, nor shall any alterations to its external appearance be carried out.*

*Reason: To ensure long-term compliance with the Local Planning Authorities strict policies for control of development in the Metropolitan Green Belt.*

Planning permission has already been refused for the same proposal under Ref: 22/01592/FUL and removed from application 21/01519/FUL. If approved, then extensions and alterations as set out within the limitations of the General Permitted Development Order as amended can be carried out without the specific consent of the Local Planning Authority.

## **2. Policy Context**

National Planning Policy and Guidance

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

Development Plan, Policies and Supplementary Planning Documents

- The Brentwood Local Plan (2016-2033) (BLP)

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

BE14 – Creating Successful Places

MG02 – Green Belt

## **3. Relevant History**

- 01/00561/FUL: Change of Use to a dwelling for occupation by equestrian worker -Application Permitted
- 14/00006/FUL: Rebuilding of derelict outbuilding/stables adding additional roof storage (Retrospective) – Application Refused
- 16/00826/FUL: Replacement of existing buildings, open sided timber frame Dutch barn to be multi purpose use of hay/straw/carriages storage, internal stables and storage of rugs and harnesses (Retrospective) – S70C
- 16/01540/FUL: Construction of open fronted horse drawn carriages store, hay and straw storage, roof space storage for rugs harness and costumes/hats. – Application Permitted
- 20/00702/FUL: Demolition of existing storage buildings and construction of one detached dwelling. – Application Permitted
- 20/00764/FUL: Redevelopment of riding school and stables to provide three dwellings. – Application Permitted
- 21/01557/FUL: Proposed relocation of storage building – Application Refused
- 21/01554/FUL: Alterations of Section 106 agreement attached to planning permission 01/00561/FUL. – Application Permitted

- 21/01519/FUL: Removal of conditions 2 (Occupancy) and Variation of condition 3 (Restriction of domestic curtilage) of application BRW/561/2001 (Change of Use of Existing building to a three bedroom dwelling for occupation by an equestrian worker) – Application Permitted
- 22/00559/FUL: Construction of four detached dwellings – Application Permitted
- 22/01592/FUL: Removal of Condition 4 (Permitted Development Rights for extensions to the dwellinghouse) of application 01/00561/FUL (Change of Use to a dwelling for occupation by equestrian worker). – Application Refused
- 22/01568/FUL: Removal of conditions; 5(No walls or fences under permitted development), 7(No security alarms or external lighting), 8(No outbuildings under permitted development) and 9(No extensions to the dwellinghouses under permitted development) of application 22/00559/FUL (Construction of four detached dwellings). – Current Application
- 23/00691/FUL: Variation of condition 2 (approved drawings) of application 22/00559/FUL (Construction of four detached dwellings) for plot 1 so that it can be repositioned within the plot and provide an extension to the rear. – Current Application

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

None.

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

None.

#### **6. Summary of Issues**

The nature of the application allows the LPA to approve, refuse or amend condition(s). On such an application the local planning authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to a condition(s) differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. If they decide that planning permission should not be granted subject to the same condition as those subject to which the previous permission was granted, they shall refuse the application.

The current application is the second submission to remove condition 4 from planning permission 01/00561/FUL. This was refused by the Council on 20 January 2023 for the following reason:

*Condition 4 remains relevant as part of a suite of conditions to prevent inappropriate development within the Green Belt. The condition is reasonable, necessary and precise and removal may lead to disproportionate extensions to the existing dwelling in conflict*

*with local and national policies of restraint resulting in inappropriate development within the Green Belt and harm to the openness of the Green Belt, in conflict with Brentwood Local Plan MG02 and the policies of constraint contained within the National Planning Policy Framework.*

## Background

The justification for the original condition was that the re-use of the building as a dwelling was not inappropriate provided that no further extensions or alterations be made without the express planning permission of the Council. This would allow further development to be managed in a way that would comply with policies of restraint that apply in the Green Belt.

The requirement that restricted occupancy to the dwelling to that of a worker tied to the equestrian business has been removed and the curtilage amended(ref 21/01519/FUL).

Planning permission has recently been granted for the redevelopment of the site to provide four dwellings in replacement of existing structures (ref 22/00559/FUL). In granting permission for the four dwellings, the Committee imposed conditions restricting permitted development extensions to the new houses.

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this type of application are the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are discussed below.

## **Green Belt**

The site is located within the Metropolitan Green Belt which washes over the locality. This is shown on the map that accompanies the local plan. The government attaches great importance to the greenbelt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Policy MG02 relates to development in the greenbelt and is therefore relevant to the proposal. In summary it indicates that national policy in the National Planning Policy (NPPF), relating to green belt, will be applied in the borough.

It is therefore necessary to consider whether the condition continues to serve the purpose for which it was intended, the long term preservation of the openness of the green belt, whether it should be amended or whether it should be removed. Permitted development rights are conferred by law. The government has made it clear that whilst councils can withdraw such rights, this should only happen exceptionally and where it is necessary. Blanket withdrawals of permitted development rights will rarely be necessary or reasonable and this applies equally within the Green Belt.

However, each decision on such matters is fact, dependent, in particular as regards the development concerned, the original building and its reuse. In this instance, it is not a new building, but was approved contrary to green belt policy and mitigated by the addition of conditions, i.e. limit the occupancy and removal of permitted development. The occupancy condition has since been deleted.

Since the original permission, a further material consideration is the approval of planning permission 22/00559/FUL. Drawing no. AHUB2202001-12 shows the approved layout.

That permission has new houses plotted on either side of the application house. If the application were to be approved without amendment, not only could additional development be added which would extend built form into the green belt, it would provide opportunity for unneighbourly development that could directly adversely affect the future living conditions of those occupiers.

This would conflict with adopted local plan policy MG02 and the NPPF which seeks to ensure that extensions to building should not result in disproportionate additions and should not harm the openness of the Green Belt.

For these reasons, the condition is reasonable and necessary for the continued protection of the Green Belt.

The condition in question does not prevent all future extensions or additions to the dwelling but allows the Council to manage the impact on the openness of the Green Belt.

The condition is considered still necessary, reasonable and precise; and without would lead to substantial extensions and roof alterations which if built to the maximum allowed under permitted development would result in disproportionate additions and inappropriate development and impact upon the openness of the Green Belt.

## **7. Recommendation**

### **REFUSAL:**

1

Condition 4 remains relevant to prevent disproportionate additions to the existing dwelling in conflict with local and national policies of restraint resulting in inappropriate development within the Green Belt and harm to the openness of the Green Belt, in conflict with Brentwood Local Plan MG02 and the policies of constraint contained within the National Planning Policy Framework.

Informative(s)

### 1 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

### 2

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14, MG02; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

### 3

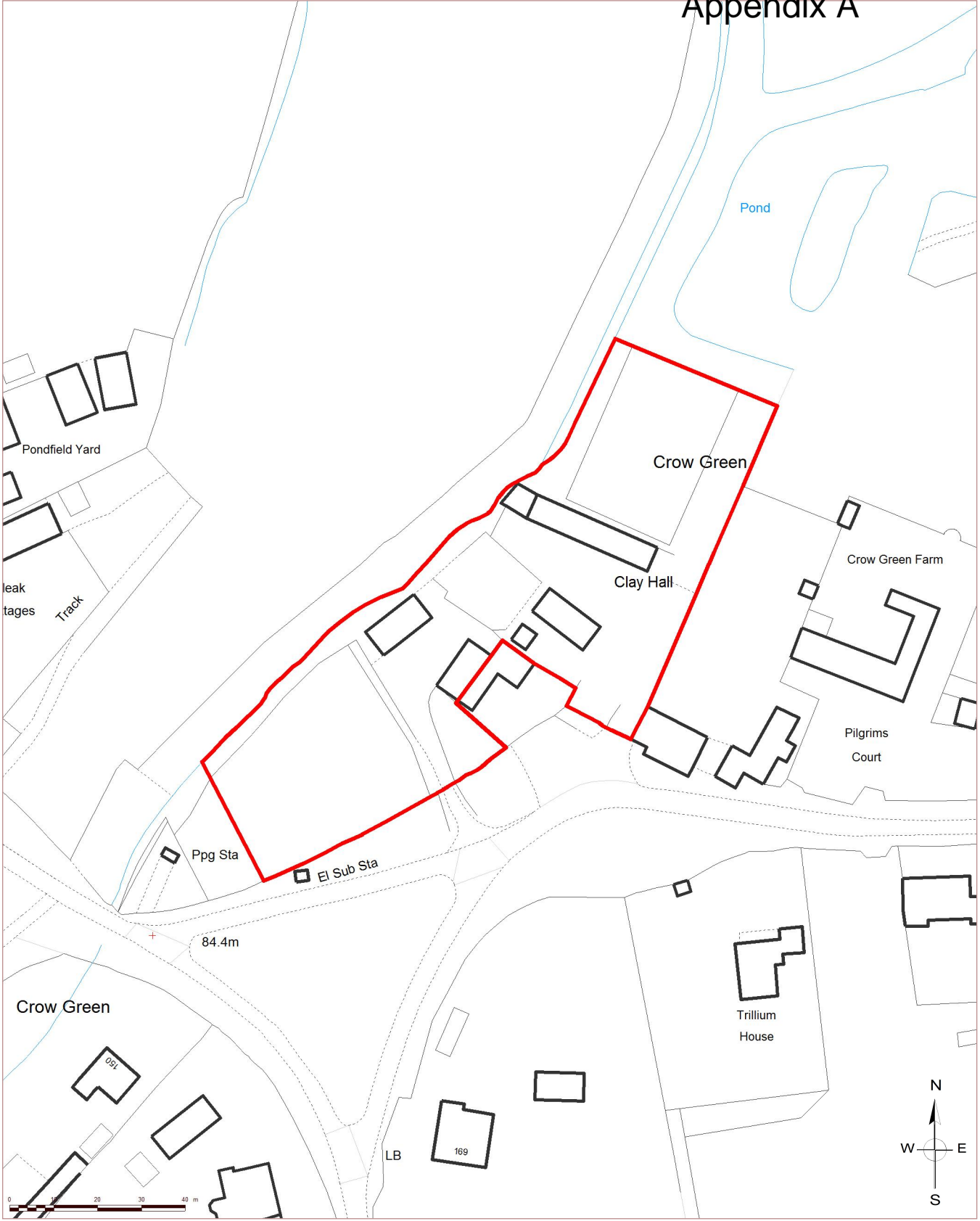
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause.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

### *BACKGROUND DOCUMENTS*

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

<https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack>

Appendix A



Title : Clay Hall, Days Lane, Pilgrims Hatch, Brentwood, Essex, CM15 9SJ

23/00207/FUL

Scale at A4 : 1:1250

Date : 28th June 2023

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



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**SITE PLAN ATTACHED**

**5G TELECOMS INSTALLATION OPPOSITE 2 COSTEAD MANOR ROAD  
GREENSHAW BRENTWOOD ESSEX**

**PROPOSED 5G TELECOMS INSTALLATION: H3G 15M STREET POLE AND  
ADDITIONAL EQUIPMENT CABINETS.**

**APPLICATION NO: 23/00531/PNTEL**

**WARD** Brentwood North **56 DAY DATE** 27.06.2023

**Ext. Of Time** 07.07.2023

**CASE OFFICER** Brooke Pride

**Drawing**

**no(s)**

**relevant**

**to this**

**decision:**

UK Briefing Note; Planning Justification Statement; Department for Digital, Culture, Media & Sport; Declaration of Conformity; /Permitted Development Notice;  
BRW22236\_BRW077\_86537\_CM0936-GA\_REV A/A;  
BRW22236\_BRW077\_86537\_CM0936-GA\_REV A/A;  
BRW22236\_BRW077\_86537\_CM0936\_GA\_REV A/A;

**The application is reported to the Planning and Licensing committee in  
accordance with the requirements of the Council's constitution.**

**1. Proposals**

This application relates to a permitted development proposal for a 15 metre monopole mast set approximately 80cm back from the footway, with three associated equipment cabinets, spanning a combined length of 3.2 metres, with a row of five paving slabs running alongside, adjacent to the footway. The cabinets would be 1.75m, 1.59m and 1.15m tall. The mast and cabinets would be light grey (RAL 7035).

The application site is adjacent to the southwestern corner of St Georges Church curtilage. The mast and cabinets would be located between the footway and existing private carpark to the Church, which is open and free from trees, other planting of other forms of boundary. The church has recently been given the status of a locally listed building i.e. a non statutory heritage asset (NDHA). The site is near the entrance to a housing estate, with a mixture of flats and houses adjacent to a wide T-junction of Greenshaw and Costead Manor Road.

The case officer has requested further elevations (a single 'side elevation drawing '265 Proposed side view' has been provided) from different sides, though the proposal is clear enough from the drawings that have been submitted. The case officer has also sought to negotiate an alternative less prominent location away, from the locally listed Church. However, no additional or revised information has been received at the time of writing this report.

## **2. Policy Context**

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Policy BE06 Communications Infrastructure
- Policy BE14 Creating Successful Places
- Policy BE16 Conservation and Enhancement of Historic Environment

National policy and guidance

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

## **3. Relevant History**

- N/A

## **4. Neighbour Responses**

This application was publicised by a site notice and 45 neighbour letters.

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

Six objections have been received for this application:

- Harm to the visual amenity of the area
- Out of character
- Inappropriate location
- The location is within a high-density residential area and close to a nursery
- Safety implications

- Impact on health

## 5. Consultation Responses

- **Essex County Fire Service (Headquarters)** - No comments received
- **Highway Authority** - No comments received

## 6. Summary of Issues

### Background

This is not a planning application. It relates to a form of development that is permitted development (i.e. has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. Prior to exercising permitted development rights, operators must apply to the local planning authority for a determination as to whether the prior approval of the Council will be required for two issues - the siting and appearance of the development. This is what the application seeks to establish. If prior approval is required, the local planning authority then determines whether the provided details are acceptable.

The Government strongly supports telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. The proposal would provide significant public benefits in the form of enabling future technologies, i.e. 5G.

As indicated previously when considering similar proposals, the issues to consider with this type of application are very limited and only relate to the following:

- whether the prior approval of the local planning authority is required for the siting and appearance of the development.
- If prior approval is required whether the submitted details are acceptable.

The committee is aware that the determination period for this type of application is limited to a maximum of 56 days, unless extended by agreement, and if no decision is made within that period the developer may proceed without delay. In this instance the applicant has agreed an extension of time to 7 July 2023, to issue the decision following the committee meeting.

### Planning Policy

When determining a planning application, the local planning authority will consider all relevant policies in their entirety as the starting point. In contrast, the General Permitted Development Order does not require that regard be had to the Development Plan when determining this type of permitted development prior notification application. However, it is accepted practice that the policies of the Development Plan are relevant, but only

insofar as they relate to the siting and appearance of the proposed development. This means that elements of relevant policies relating to broader matters, for example the principle of the development, are not material when considering this type of application.

Policy BE06 requires evidence of the need for the development, advocates using existing sites, avoiding development which has an unacceptable effect on the appearance of the building and avoiding harm to sensitive areas, including those of special landscape value or historic interest. The applicant has provided sufficient information relating to the need for the development and the site is not in an area of historic archaeological interest. To that extent the proposal partly complies with Policy BE06; other aspects of the policy are considered below, under siting and appearance.

Policy BE14 supports development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure. The proposed site plan shows the proposal would not give rise to problems relating to access, parking and can be accommodated by local highway infrastructure. To that extent the proposal partly complies with Policy BE06; other aspects of the policy are considered below, under siting and appearance.

Policy BE16 requires development within the setting of a heritage assets to be of a siting, design and scale that would preserve or enhance its character or appearance and important views into and out of the area, and where possible to enhance the significance of the assets and its settings. The policy requires development to provide sufficient information on the significance of the heritage asset, the potential impacts of the proposal on the character and significance of the asset, its setting and how the proposal has been designed to take these factors into account. No assessment has been provided as part of this application, though it is noted that this is not a requirement of a prior notification application.

When considering proposals which are likely to cause harm to such an asset consideration will be given to:

- The significance of the assets and its setting, and
- The extent to which the scale of any harm or loss of harm has been minimised

Similarly, the NPPF at para 203 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed mast would be approximately 13 metres from the locally listed building and 15 metres in height.

### Siting

The applicant has included details of siting within the application. The proposed mast and associated equipment would be set close to the pathway, on the corner of the green space next to the Church. The mast would be positioned on an open section of grass verge adjacent to a private car park and pathway. The location is highly visible and open to the surrounding public realm, set away from any nearby trees or mature landscaping. The location of the mast would be approximately 13 metres from St Georges Church.

The application proposal would be sited on a highly prominent, open, corner plot, and very close to the non-designated heritage asset, public pathway and highway. The area is characterised by residential dwellings set back from the highway with open green spaces that enhance the character of the area and surround the church building. The siting of the proposal would have a significant detrimental effect on the setting of the NDHA and the character and appearance of the area and would be highly prominent and harmful. For the reasons given above, it is recommended that approval of siting is required and refused.

### Appearance

The applicant has provided one elevation of the proposed mast and associated cabinets. Further elevations have been requested, however no response provided. No photomontages have been submitted, however from the elevation drawing and the outline of the NDHA within the background it clearly confirms the harmful impact the proposal would have on the appearance of the prominent plot as well as the surrounding area of the site.

As submitted, the appearance of the proposal is unacceptable. The scale and height of the mast is 5.5 m taller than the adjacent church with the line of cabinets at ground level introduces further clutter and scale would be highly prominent. The applicant has indicated that the cabinets themselves do not require prior notification. The appearance of the proposal would have a significant detrimental effect on the appearance and character of the surrounding area which is predominantly residential with open green space. The highly prominent location would further accentuate the harm and through its scale and position would stand alone. Officers have attempted to discuss alternative sitings, however the applicant has not responded. For the reasons given above, it is recommended that approval of appearance is required and refused.

### Other Matters

A Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines has been submitted with the application. This declaration certifies the cumulative exposure as a result of the development would not exceed international guidelines and the development would therefore not be detrimental to public safety. It is the long standing position of the Government that if the developer provides a declaration that the equipment complies with ICNIRP standards, local planning authorities should not consider the matter further.

Outside the planning system, all operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation, or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

### The planning balance

The identified harm must be balanced against the public benefits of the development. The test therefore is whether the benefits outweigh the harm identified above. The Government strongly supports telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. The proposal would provide significant public benefits in the form of improving network coverage and enabling future technologies. Policy BE06 similarly supports telecommunications infrastructure, though with certain caveats identified above.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development. Ultimately, the decision on this type of application often rests on the relative weight given to the harm and benefits associated with a proposal. However, on this occasion it is considered that the harm is not outweighed by the advantages. For the reasons given above, prior approval is required in this case but this proposal fails the requirements of policies BE14, BE16 and BE06 as they relate to siting and appearance and this application is recommended for refusal.

## **7. Recommendation**

Prior approval is required prior approval is refused:

R1 U0052047 Prior approval is required for siting and appearance and refused

Prior approval is required for the siting and appearance of the development and prior approval of the details supplied with the application is refused. The proposal is unacceptable because it would result in the provision of telecommunications equipment and supporting infrastructure in a highly prominent location and given the siting of the development adjacent to a Locally Listed Building its appearance would be detrimental to its significance. The proposal would be highly visible to the detriment of the character and visual amenity of the area of Greenshaw, contrary to policies BE06, BE14, and BE16 of the Brentwood Local Plan and the National Planning Policy Framework.

### Informative(s)

1

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE06, BE14, BE16, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

#### 2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

#### 3 INF24 Refused With Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

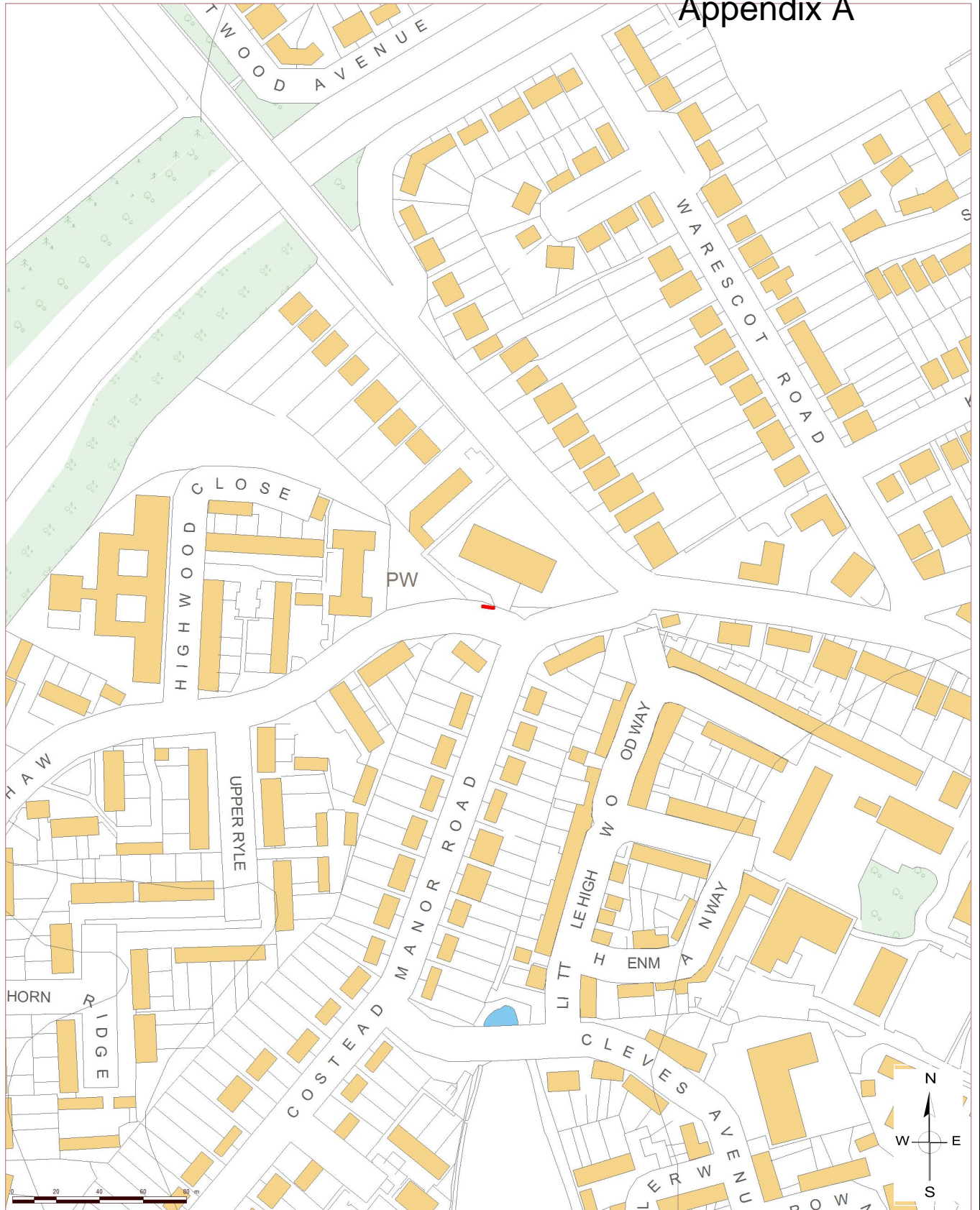
*BACKGROUND DOCUMENTS*

#### **DECIDED:**

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# Appendix A



Title : 5G Telecoms Installation Opposite 2 Costead Manor Road, Greenshaw, Brentwood, Essex

**23/00531/PNTEL**

Scale at A4 : 1:2500

Date : 28th June 2023

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



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**SITE PLAN ATTACHED**

**151 INGRAVE ROAD BRENTWOOD ESSEX CM13 2AA**

**REMODELLING OF EXISTING BUNGALOW INTO A TWO STOREY DWELLING INCLUDING A FIRST FLOOR EXTENSION OVER THE EXISTING GROUND FLOOR, INCREASE IN RIDGE HEIGHT AND SINGLE STOREY FRONT EXTENSION (REVISED SCHEME OF 22/00164/FUL)**

**APPLICATION NO: 23/00308/FUL**

<b>WARD</b>	Brentwood South	<b>8/13 WEEK DATE</b>	7 July 2023
<b>PARISH</b>		<b>POLICIES</b>	BE14
<b>CASE OFFICER</b>	Miss Georgia Taylor	01277 312620	
<b>Drawing no(s) relevant to this decision:</b>	Block Plan; Design & Access Statement; Site Plan; Block Plan - Existing; 151INGRAVERD_EXISTINGELEVATIONS_V2; 151INGRAVERD_PROPOSEDELEVATIONS_V2; 151INGRAVERD_PROPOSEDPLANS_V2; 151INGRAVERD_EXISTINGPLANS_V2;		

**This application has been referred to Committee at the request of Cllr Tim Barrett for the following reason:**

**I believe this application should be discussed, considered and debated by the Planning Committee as the proposed changes would create a property similar to those in the immediate surroundings. I believe in this case we may be considering the change to the current building more than the resulting property after completion and its relation to the local landscape of properties.**

## **1. Proposals**

Remodelling of existing bungalow into a two storey dwelling including a first floor extension over the existing ground floor, increase in ridge height and single storey front extension (revised scheme of 22/00164/FUL)

## **2. Policy Context**

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- National Planning Policy and Guidance
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy BE14: Creating Successful Places

### **3. Relevant History**

- 98/00228/FUL: Formation Of Vehicular Access. -Application Permitted
- 99/00693/FUL: Erection Of Dormer Windows At The Front, Side And Rear, Together With The Formation Of Pitched Roof Over Existing Rear Extension. - Application Permitted
- 21/02034/HHA: Increase in height of ridge to form new apex roof to accommodate part 2 part single storey front, first floor side and rear extensions. - Application Withdrawn
- 22/00164/FUL: Remodelling of existing bungalow into a two storey dwelling including a first floor extension over the existing ground floor, increase in ridge height and single storey front extension - Application Refused

### **4. Neighbour Responses**

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

None received

### **5. Consultation Responses**

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

<http://publicaccess.brentwood.gov.uk/online-applications/>

None requested.

### **6. Summary of Issues**

Planning permission is sought to remodel the existing bungalow by creating a first floor level extension over the ground floor of the bungalow to create a two-storey dwelling.

The application site is located within a residential area located in one of the main thoroughfares into Brentwood from the south and located between the car park of Masons Restaurant and a residential dwelling, No. 149 Ingrave Road.

The application property is a detached chalet bungalow set back from the road with a single front gable projection with ground floor bay window and dormer extensions facing to the side and front. The eaves are of a modest height and the property has a similar building line to the other houses along this stretch of the road. The adjacent property No. 149 Ingrave Road is a detached chalet bungalow with a ridgeline perpendicular to the highway, and No. 147 has the same shape and design as the application dwelling. The car park to Masons restaurant immediately abuts the site.

Opposite the site, houses have a variation of design with no one dominant or cohesive character including two-storey detached and semi-detached dwellings as well as a variety of bungalows. The dwellings within the surrounding street scene are of different designs which vary in changes of their scale, different features and the articulation of built form. The surrounding materials are of a red/brown brick, neutral render, and red/brown roof tiles.

### Site History

Planning permission was recently refused for a similar development at 151 Ingrave Road under 22/00164/FUL for the following reasons:

#### **R1**

*The proposed first floor extension and increase in ridge height, by way of its scale and design, would result in a bulky and dominant addition in the rear roofscape which would be to the detriment of both visual amenity and the character and appearance of the surrounding area, in conflict with policy BE14 of the BLP, the NPPF and the NDG.*

#### **R2**

*The proposed extensions by reason of its height and bulk, would result in a building of a mass and design that would dominate and be overbearing on the neighbour dwelling 147 Ingrave Road, harmful to the amenity of the occupiers of that dwelling and in conflict with Local Plan Policy BE14.*

### Design, Character, and Appearance

Although the description for the development is 'remodelling' it is a significant step up from modest householder extension and is submitted under a 'full' application. A full first-floor level extension over the ground floor of the bungalow to create a two-storey dwelling.

The proposed development would create a first-floor level extension over the existing footprint of ground floor of the bungalow including the projecting front bay / gable end.

It would be sited 1.5 metres to the side boundary shared with the neighbouring dwelling No. 149. The proposal would increase the ridge height of the existing roof from 6 metres to 7.85 metres and an increase in eaves height from 2.85 metres to 5.26 metres. 2.41m).

The neighbouring dwelling No. 149 has an eaves height of 2.68 metres as shown on the proposed elevation drawing '151IngraveRd\_ProposedElevations\_V2'.

The proposed overall scale of the dwelling in terms of its height and form with limited articulation in the flank elevations would result in prominent and dominant addition to this part of the road. The existing dwelling is at a similar height to the adjacent dwellings No. 147 and No. 149 with eaves of a similar height. The current dwelling has three pitched roof dormers on the eastern flank elevation which faces towards Masons restaurant, however the western flank elevation has only one ground floor side facing window which accommodates the kitchen. The proposed first floor level extension to create the two-storey dwelling seeks to insert three side facing windows to the eastern flank elevation and even with the benefit of soft planting at ground level, would be seen as a long, high and unarticulated flank wall because of the lack of built form between the restaurant.

It is acknowledged that there are examples of two-storey dwellings within the street scene, but this side of Ingrave Road is predominately single storey bungalows with dormer windows, and the application dwelling, altering from a one and a half storey dwelling to a two-storey dwelling would create a prominent and substantial building which would dominate this side of Ingrave Road.

The application includes the submission of a Design and Access Statement which states that the proposed development located next to the Masons restaurant would 'provide a more balanced design response and would improve the existing setting', however the restaurant is within a different context as it is surrounded by a spacious car park and has a predominantly mansard roof design which keeps the height of the commercial building at a lower level. The proposed development would be at odds with the development either side by a significant step up in height, and does not respond to the site and surrounding context.

The proposed materials are to match the existing bungalow which is made up of a mix of render and brick, is acceptable but does not outweigh the harm caused by the disruptive placement of form at first floor.

Overall, the scale of the proposal still relates poorly to the immediate context of the site, and it is considered that the scale and design of the extensions would be harmful to the character and appearance of the area and would be out of keeping with the sites constraints. Therefore, the proposal has not overcome the previous reason for refusal.

#### Impact on Neighbour Amenity

## **No. 149 Ingrave Road**

The existing application dwelling has total height of 6 metres with an eaves height of 2.88 metres, the development would create a two-storey dwelling with a total height of 7.85 metres and an eaves height of 5.2 metres, i.e. the eaves height would be almost as high as the overall height of No.149.

The application dwelling extends to the rear of the application site, and the proposed first floor extension will be set over the ground floor of the existing bungalow with the single storey rear element remaining. The proposed first floor extension will be set approximately 1.5 metres away from the common boundary shared with No. 149. The scheme would result in a gabled roof design located closer to the boundary shared with No. 149. It is considered that the proposed development would have a significant overbearing impact on the occupiers of no. 149, and would impact the light received into habitable windows located near the common boundary. While not tabled in this application, it is considered that the development could be amended to include hipped roofs and stepping the first floor in from the boundaries which would improve its relationship with the neighbour's property and reduce the prominent bulk by articulating flank elevations.

### Conclusion

The proposed development, for the reasoning outlined above, therefore fails to comply with policy BE14 of the BLP and the aims and objectives of the NPPF and NDG. Therefore, the proposed development is recommended for Refusal.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 U0051207

The proposed first floor extension and increase in ridge height, by way of its scale and design, would result in a bulky and dominant addition in a prominent visible location to the detriment of both visual amenity and the character and appearance of the surrounding area, in conflict with policy BE14 of the BLP, the NPPF and the National Design Guide.

R2 U0051208

The proposed extension by reason of its height and bulk, would result in a building of a mass and design that would dominate and be overbearing on the neighbour occupiers of 147 Ingrave Road, harmful to their living conditions and in conflict with Local Plan Policy BE14.

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF24

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

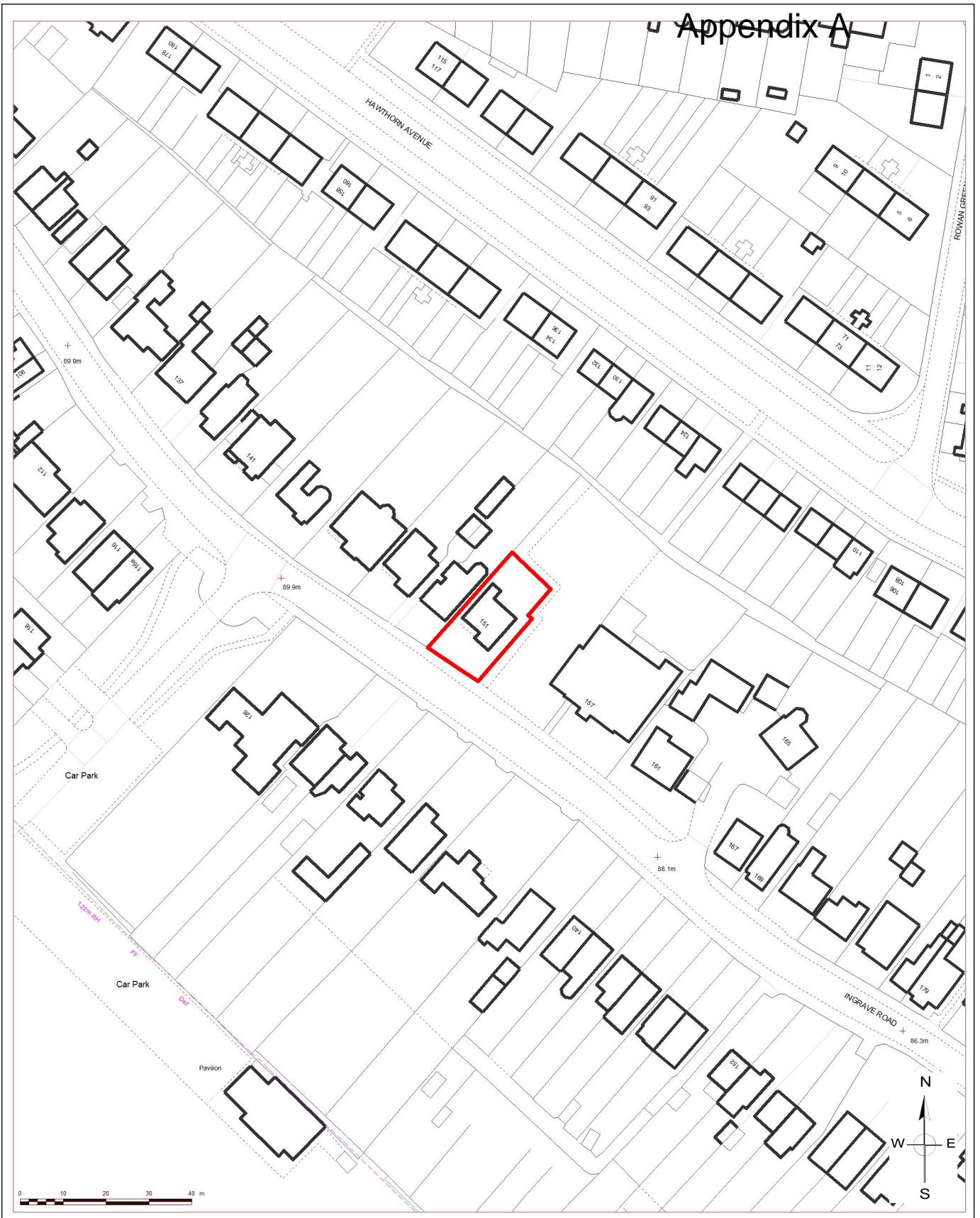
### *BACKGROUND DOCUMENTS*

### **DECIDED:**





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Title : 151 Ingrave Road, Brentwood, Essex, CM13 2AA

23/00308/FUL

Scale at A4 : 1:1250

Date : 28th June 2023

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



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**SITE PLAN ATTACHED**

**COPPICE BUNGALOW SCHOOL ROAD KELVEDON HATCH BRENTWOOD  
ESSEX CM15 0DL**

**DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF THREE  
DWELLINGS. CREATION OF NEW VEHICULAR ACCESS.**

**APPLICATION NO: 22/01008/FUL**

<b>WARD</b>	Brizes & Doddinghurst	<b>8/13 WEEK DATE</b>	22 August 2022
<b>PARISH</b>	Kelvedon Hatch	<b>POLICIES</b>	EOT TBC
<b>CASE OFFICER</b>	Julia Sargeant		
<b>Drawing no(s) relevant to this decision:</b>	21-102-PL-04/A; 21-102-PL-06; 21-102-PL-02/A; 21-102-PL-01; 21-102-PL-03/A;		

**This application has been referred to Planning Committee by Kelvedon Hatch Parish Council on the following basis:**

**Our Council objected to this proposal most strongly on the grounds of over development, inadequate parking for three, four bedroom houses and the closeness to the adjacent SSSI. The footings of the houses will probably damage the trees in this protected site. This was supported by other bodies who look after these SSSIs.**

## **1. Proposals**

The application site relates to a single storey dwelling known as Coppice Bungalow which is located on the northern side of School Road and within Kelvedon Hatch which is noted as a Settlement Hierarchy 3 under policy MG03. Settlement Hierarchy 3 are defined as "*Villages in a sparse rural setting that provide day-to-day needs for local residents in small local centres. These relatively larger villages also tend to have a primary school. They generally have limited, often shared, community and health facilities, local jobs and a variable bus service.*"

The application site is at the end of the row of residential dwellings on the northern side of School Road and to the immediate north and east of the application site is The Coppice which is an ancient and semi-natural woodland that is also designated as a Site of Special Scientific Interest (SSSI). To the west of the application site is a

detached two and a half storey red brick dwelling known as Wilmington. On the opposite side of School Road are detached dwellings known as Whiteoaks and Aosta.

School Road contains a number of individually designed dwellings and at the eastern end there is no particular architectural prevailing character. The western end of School Road is generally higher density with more handed semi-detached properties and those of a similar form and character. The application site is edge of settlement character.

Planning permission is sought for the demolition of the existing dwelling and erection of three new dwellings alongside the creation of a new vehicular access. The dwellings would be detached two and a half storey properties featuring an asymmetric front gable with catslide roof across to the front porch. Each would be finished in a mixture of red brick and render with projecting brick heads above the catslide roof over the porch. Each dwelling would measure a maximum of 6.5 metres wide by 15.2 metres deep (including single storey elements) with a maximum ridge height of 8.4 metres. Internally they would provide four bedrooms (one with en-suite), a bathroom, study, lounge, kitchen/diner and utility.

## **2. Policy Context**

### The Brentwood Local Plan 2016 - 2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. Main policies relevant to this application:

- MG01 – Managing Growth
- MG03 – Settlement Hierarchy
- BE02 – Water Efficiency and Management
- BE04 – Managing Heat Risk
- BE05 – Sustainable Drainage
- BE07 – Connecting New Developments to Digital Infrastructure
- BE11 – Electric and Low Emission Vehicle
- BE13 – Parking Standards
- BE14 – Creating Successful Places
- HP03 – Residential Density
- HP06 – Standards for New Housing
- NE01 – Protecting and Enhancing the Natural Environment
- NE03 – Trees, Woodlands and Hedgerows
- NE07 – Protecting Land for Gardens

### Other Local Documents or Guidance

Essex Parking Standards 2009

National Planning Policy and Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

### **3. Relevant History**

- No relevant planning history

### **4. Neighbour Responses**

Four letters of objection have been received in relation to this application from two people. The main reasons for objection are summarised below:

- Shared drive for the 3 houses would create parking problem resulting in an overflow in School Road and possible road traffic instances.
- School Road is not wide enough to accommodate parked vehicles.
- This section of School Road does not have pedestrian walkways or public lighting making walking hazardous.
- No garages proposed.
- Houses will generate extra traffic and be detrimental to a small area.

### **5. Consultation Responses**

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

<http://publicaccess.brentwood.gov.uk/online-applications/>

- **Natural England-**

Natural England's initial screening of this planning application has identified that this proposed development has the potential to adversely affect a Site of Special Scientific Interest (SSSI) designated for its woodland interest, i.e. the relevant Impact Risk Zones have been triggered.

The likely impacts arising from the proposal are straightforward to assess with confidence by following the advice notes provided below, and where necessary, requesting further information from the applicant where uncertainties exist. We therefore advise you to review the planning application under consideration, and apply the principles described, as appropriate.

#### Standing Advice on ancient woodland and veteran trees

Natural England and Forestry Commission have produced standing advice entitled 'Ancient woodland and veteran trees: protecting them from development' which outlines what planning authorities should consider for developments near ancient woodland and veteran trees. Advice is given on determining impacts and how to avoid, reduce or

compensate for the impacts. Note that planning authorities should refuse planning permission for developments that would lead to loss or deterioration of irreplaceable ancient woodland habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. This principle is outlined in the National Planning Policy Framework (2019) paragraph 175.

#### Reasons for Notification of Sites of Special Scientific Interest (SSSI)

Background information on SSSIs and their notified interest features can be found on the Magic map system website. The SSSI citation should be referred to in order to understand the special interest of the SSSI and its sensitivities.

#### SSSI Impacts which may need to be addressed

- (i) Air quality during construction
- (ii) Increase in access
- (iii) Root compaction
- (iv) Tree surgery works
- (v) Surface water run off
- (vi) Foul water disposal
- (vii) Groundwater changes
- (viii) Development buffering

- **Arboriculturalist-**

#### First Response

The site currently contains a single, unoccupied bungalow set within a large plot which comprises mainly rough mown grass.

A tree survey has been undertaken and submitted with the application. 15 individual trees, comprising 2 Category A and 3 Category B specimens, one Category B woodland group and one Category C group and one hedge were recorded. One Category C tree (Rhododendron) and one group would require removal to facilitate the development. Other works would be required for to some retained trees which are in third party ownership.

The northern and eastern site boundary abuts The Coppice Site of Special Scientific Interest, an ancient semi-natural broad-leaved woodland. Despite the presence of a statutory designated site immediately adjacent to the site, no ecological assessment has been submitted with the application. Natural England in its response has recommended that the LPA assess the application in accordance with principles set out in the Standing Advice to ensure no loss or deterioration to an irreplaceable habitat as outlined in the NPPF paragraph 175.

The proposed application would not result in the direct loss of any ancient woodland or veteran trees as none are present with the site. The proposal will require some management to trees that overhang the site, particularly on the eastern boundary. Reviewing the SSSI impacts that need to be addressed, it is considered that



- o due to the scale of the development, there would be no air quality issues during construction
- o there would be no new access points into the wood and the number of new residents would not be sufficient to result in any significant increase in recreational pressures within the wood (there is a single bridleway through the wood).
- o Measures have been detailed in the Tree Survey showing how compaction around tree roots can be avoided.
- o The tree survey report details the need for some tree surgery works to the trees on the eastern boundary to facilitate development. While some works have been undertaken in the past to maintain the access to the existing garage, the level of works required would be significantly greater due to the proximity of the third unit.
- o Surface water drainage during construction could be managed through a CEMP, given the small-scale nature of the development.
- o The site is connected to mains drainage.
- o The Coppice was notified an SSSI in part due to its wet-woodland component. The nature of the development should not result in any significant effects on the groundwater supplies to this important habitat feature.
- o Natural England advises that a buffer zone at least 15m is maintained between the development and the SSSI. This is achieved with the existing building and for neighbouring properties in School Road. The purpose of this buffer is to reduce possible impacts from increased noise and lighting and to reduce the need to manage overhanging trees. The proposed three units would result in the third plot being approximately 1m from the eastern boundary and less than 15m of northern boundary. The Tree Survey confirms that tree works would be required to cut back overhanging trees to facilitate development. These reductions would need to be ongoing due to the proximity of the plot to the woods. There is likely to be an increase to light spill into the SSSI from exterior lights, albeit this will be domestic lighting and therefore the effects would not extend far into the wood.

The density of the proposed development means that there are no opportunities to mitigate the effects of the proposal on the woodland. The lack of any form of buffer between the ancient woodland and the new dwellings will result in ongoing pressures to cut back trees within the SSSI. There will be increased lighting close to the woodland, which while of domestic scale, could have some effects for example on commuting and foraging bats associated with the woodland.

On balance I am not able to support this proposal due to the lack of any buffering between the development and the ancient woodland SSSI, which will result in small-scale but ongoing impacts on the statutory protected site.

### Second Response

Since my response of 8<sup>th</sup> September 2022 the agent has sought to address the issues regarding the need for a 15m buffer to the adjacent ancient woodland as set out in the Natural England and Forestry Commission Standing Advice which is a material planning consideration. It is important to note that the standing advice applies to all ancient

woodlands; however The Coppice is a designated Site of Special Scientific Interest which therefore has statutory protection under the Wildlife and Countryside Act.

Despite the proximity of the site to the SSSI no ecological assessment has been undertaken to inform how any effects can be mitigated.

The agent has sought to address the issue of the buffer in this letter of the 18<sup>th</sup> October 2022. It states that the client's intention is to increase the biodiversity value of the site. The site plan that has been submitted shows minimal new planting with most of the rear gardens being laid to lawn and the area fronting the proposed housing comprising hardstanding. This is a standard urban landscape scheme which does not show any consideration has been given to the sensitive location of the site. There is no evidence to show how this would achieve any increase in the site's biodiversity value.

The arboricultural assessment submitted with the application shows that there would be an incursion into the root protection area of the trees on the edge of the wood as well as a need to cut back overhanging branches. While the scale of the incursion is in accordance with BS5837:2012 it demonstrates even the most basic requirement of the buffer is not being achieved.

There is a general statement saying there would be no spillage of light into the wood however this has not been substantiated.

Given the lack of detailed information to address the points previously raised regarding the proximity of the development to the SSSI ancient woodland I continue to object to the proposal.

### Third Response

Since by previous responses to this scheme of 8th September and 14th December 2022 the applicant has amended the building design, reducing the area of their footprints. This slightly increases the separation between the rear elevation and the ancient woodland SSSI beyond the northern boundary.

A preliminary ecological appraisal has been undertaken. The PEA confirmed that the eastern part of the site adjacent to the woodland currently comprises the surfaced access to the garage and other outbuildings.

When I visited the site I also observed several derelict wooden buildings within the wood beside the garage.

On balance I consider that the extent of the incursion into the 15m buffer on part of the eastern boundary would not have a significant adverse effect on the ancient woodland, considering the presence existing development immediately adjacent to the woodland boundary and the wooden buildings within the woodland itself.

I noted that there was soil and other materials pushed up to the woodland boundary that would adversely affect the boundary trees and detract from its appearance.

While I would prefer a greater degree of separation between the third plot and the wood to enable more of the site beside the wood to be cleared of hardstanding and to lessen

the effects on the wood from external lighting, it is considered that the impacts of the proposals would not have significant effects beyond that already experienced. The increase in separation from the northern boundary would be slightly beneficial and help to offset the incursion into the eastern buffer.

If the scheme were permitted, I would require an ecological management plan be developed which sets out measures for minimising adverse effects on the boundary trees and wider woodland. It should include measures to enhance the woodland edge by carefully removing some of the existing hardstanding and tipped materials adjacent to the wood.

A landscape condition would also be required. This should include measures to achieve further biodiversity enhancements.

- **Highway Authority-**

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes demolition of the existing dwelling, subdivision of the site and construction of three new dwellings. The use of the existing vehicle access shall be intensified, and a new vehicle access is included. Subject to conditions, both accesses shall be provided with the required visibility splays. Each dwelling is provided with adequate offstreet parking and a shared turning area, therefore:

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

- 1 – Submission of a Construction Management Plan prior to commencement of works
- 2 – Provision of clear to ground visibility splay prior to occupation
- 3 – Both existing and new vehicular accesses to be no more than 6m wide and constructed at right angles to highway boundary. Full details to be agreed.
- 4 – No unbound material.
- 5 – Vehicle parking and turning area to be provided prior to occupation.
- 6 – new boundary planting to be 1metre back from highway boundary.
- 7 – Provision of cycle parking prior to occupation.
- 8 – Provision of Residential Travel Information Pack prior to first occupation.

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

- **Environmental Health & Enforcement Manager-**

Noise

I would recommend restricting construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

I would also recommend the submission of a Construction Environmental Management Plan (CEMP) be submitted to the LPA for approval prior to works commencing. The CEMP should as a minimum deal with the control of dust during construction and demolition and noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.

#### Contaminated Land

The Land Contamination Assessment states there is "no potential risk of contaminated land at or within the vicinity of the property". With this in mind, a watching brief should be kept during groundworks for any unforeseen contamination. If contamination is encountered an intrusive investigation, a risk assessment and a remediation strategy would need to be submitted to the LPA for approval.

Any asbestos containing materials within the existing buildings should be removed by an appropriately licensed contractor before demolition commences.

#### Bonfires

No bonfires should be permitted during construction.

- **Parish Council-**

After due consideration by Kelvedon Hatch Parish Council, we object to this proposal on two issues:

1. We raise concerns regarding the amount of parking provision in relation to the size of each new dwelling. It is felt that the proposals would be inadequate.
2. The land in question borders the SSSI ("The Coppice") and would have a substantial negative environmental impact and would not constitute a sustainable development as a result.

#### **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 Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above in section 2 and although these should not be read in isolation, they are the most relevant to this application.

The Brentwood Local Plan 2016 – 2033, as approved, has been produced in light of the NPPF’s emphasis on sustainable development and strategic policies MG01, MG02 and MG03 set out the overarching strategic strategy for growth within the Borough. The application site is located within a residential area outside of the metropolitan Green Belt and within a Category 3 Settlement (policy MG03 refers). In principle a Category 3 Settlement is an appropriate place for a development of this type and size. There is therefore no objection in principle to the development, however the development needs to be considered as a whole to see if it represents sustainable development or not. The following sections of this report will consider all relevant material considerations in the determination of this application.

### Housing Land Supply and Need

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).

The Council can demonstrate a five year housing land supply through its new local plan. In November 2022, a Housing Delivery and Supply Monitoring Update was provided to the Planning Committee. This report identified that the Brentwood Local Plan had identified a five year land supply of 5.21 years. Whilst this figure informs the Local Plan, a land supply of 6.9 years has now been identified.

In relation to the Housing Delivery Test (HDT), a 2022 position statement was provided, the first following adoption of the new local plan. Whilst this has not been subject to final verification by DLUHC, through the publication of the annual HDT results, the HDT measurement is anticipated to be 86%, which is in excess of the 85% requirement and the application of the NPPF paragraph 11(d) presumption in favour of sustainable development no longer applies.

It is acknowledged that the 5YHLS is not a cap on development and the addition of two net dwellings within a sustainable location is still acceptable in principle and a benefit of the proposal.

### Density

Policy HP03 of the adopted Local Plan relates to residential density and advises that development should take a design led approach to density which ensures schemes are sympathetic to local character and make efficient use of land and

should be expected to achieve a net density of at least 35 dwellings per hectare net or higher, unless the character of the surrounding area suggests that such densities would be inappropriate, or where other site constraints make such densities unachievable.

This proposal would result in a density of 18 dwellings per hectare which whilst lower than the 35 dwellings per hectare sought by policy HP03 is considered acceptable in this location due to the prevailing character of the area and the adjacent SSSI.

### Design and Impact upon Character and Appearance of the Area

The area of School Road where the application site is located has a predominantly soft landscaped and rural character. The application site is wider and a more spacious plot than all surrounding dwellings with the exception of Whiteoaks opposite. It is considered that the plot can accommodate the three dwellings proposed without appearing cramped or harming the character and appearance of the area. During the lifetime of the application the design and scale of the dwellings have been amended with the overall bulk reduced and the rear dormer window reduced in size.

There is no prevailing character or architectural style along this section of School Road and the proposed dwellings benefit from architectural interest and detailing ensuring that they are of a standard to compliment this setting. The dwellings will not appear out of character or scale with the immediate locality with other two and a half storey dwellings present. Whilst it is acknowledged that their respective plots will be slightly narrower than those in the immediate locality they will still each be set between 1.6 and 1.8 metres from the plot side boundaries with gaps of 2 metres in between the dwellings themselves to ensure that the spacious character of School Lane is respected. On this basis the proposal is considered to comply with the relevant criteria of policies BE14 and NE07 of the adopted Local Plan.

### Residential Amenity

The only immediate neighbouring dwelling is Wilmington to the west. The dwelling proposed closest to Wilmington would be set between 1.6 and 1.8 metres from the shared boundary and would be positioned roughly in line with Wilmington itself with only the single storey rear element protruding beyond the rear building line of Wilmington. Wilmington does not contain any windows within its east facing flank elevation and given the positioning and design of the proposal it is considered that the development will not result in an overbearing impact or material loss of light towards the occupiers of Wilmington.

One window is proposed at first floor level within the west facing flank elevation of the western most dwelling which would serve a hallway and can be conditioned to be obscure glazed and non openable below 1.7 metres to ensure no material loss of

privacy would occur. The ground floor windows within the western elevation would not result in any material loss of privacy subject to appropriate boundary treatments which can be dealt with through a planning condition. Rear first and second floor windows would predominantly offer views over the rear private amenity spaces associated with the development and would not result in any overlooking above what is expected in such residential settings.

In terms of inter-overlooking within the development the use of a boundary treatment condition will ensure no loss of privacy at ground floor level. The dwellings all meet the nationally described space standards in terms of internal room sizes and will provide private amenity space in excess of the minimum requirements at between 180m<sup>2</sup> and 240m<sup>2</sup>.

It is noted that each dwelling is to have a raised rear patio area with steps down to the garden. The site is sloping from south to north and no levels information has been provided. This can be controlled through a planning condition to ensure that the raised patio areas and finished floor levels of the development as a whole will not result in any material loss of privacy to adjacent occupiers or the development appearing dominant within the street scene.

#### Access parking and Highway Safety

The existing vehicular access is to be retained and a new access point created to provide a in and out shared driveway. Each dwelling would then benefit from two designated parking spaces each which meets the adopted parking standards as required by policy BE13. Separate cycle parking is to be provided in the rear garden of each dwelling. The frontage would also allow the parking of a visitor off road due to the size of the in and out driveway and whilst it is acknowledged that this is not formally shown the access area is wide enough in practice that a visitor would also be able to park and not block the in and out driveway.

ECC Highways have been consulted on this application and have raised no objection subject to conditions. It is acknowledged that letters of representation have been received in relation to parking and highway safety, however the development meets the policy requirements and ECC Highways have raised no objection to the proposal.

#### Flood Risk

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1, 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 site is also not at risk of flooding from surface water as shown on the Essex County Council Flood Risk Map. Surface water drainage can

be dealt with via a condition to ensure compliance with policy BE05 (sustainable drainage).

### Trees, Landscaping and Ecology

The application site is within a sensitive location adjacent to The Coppice which is an ancient and semi-natural woodland that is also designated as a SSSI.

The site is located in an area that is characterised by a significant amount of soft landscaping and any development on this site would require a comprehensive landscaping scheme to ensure the development will assimilate well into the street scene and soften its appearance. This can be dealt with through the use of a planning condition.

The Council's ecologist and arboriculturalist originally objected to the proposal due to the lack of any buffering between the development and the ancient woodland SSSI, which would result in small-scale but ongoing impacts on the statutory protected site. However during the lifetime of the application the agent has submitted a preliminary ecological appraisal (PEA) and reduced the scale of the dwellings bringing them further from the northern boundary of the site. The PEA confirmed that the eastern part of the site adjacent to the woodland currently comprises the surfaced access to the garage and other outbuildings.

The Council's ecologist and arboriculturalist has now withdrawn their objection to the application as, on balance, they consider that the extent of the incursion into the 15m buffer on part of the eastern boundary would not have a significant adverse effect on the ancient woodland, considering the presence of existing development immediately adjacent to the woodland boundary and the existing wooden buildings within the woodland itself. It is considered that the proposed development would not have significant effects beyond that already experienced.

A condition is recommended requiring an ecological management plan be developed which sets out measures for minimising adverse effects on the boundary trees and wider woodland. It should also include measures to enhance the woodland edge by carefully removing some of the existing hardstanding and tipped materials adjacent to the wood. A landscape condition is also recommended which should include measures to achieve further biodiversity enhancements.

Overall, subject to the conditions noted above, and taking into account the comments received from the Council's ecologist and arboriculturalist as well as the standing advice from Natural England it is considered that the development is acceptable and would accord with the relevant guidance and policies.

### 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.”

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.

Socially the proposal would provide two additional family homes within a relatively sustainable location where there is no objection to new residential development in principle. The social objective is therefore also considered to be met.

In terms of environmental sustainability the design and appearance of the development is considered to be in keeping with the surrounding area and acceptable as detailed above. Conditions are recommended to ensure that the development meets the adopted policies in terms of water efficiency and management as well as provision of EV charge points. Furthermore, it is considered that subject to conditions the development would not result in any harm to the adjacent SSSI and ancient woodland above and beyond the disturbance and noise that could occur from the existing residential use of the site and the environmental objective is therefore considered to be met. Overall, the proposal is considered to represent sustainable development.

### Conclusion

The application site is located within a residential area outside of the metropolitan Green Belt. There is therefore no objection in principle to the development. The design and appearance of the dwellings is considered to be in keeping with the surrounding area and subject to conditions in relation to landscaping and ecology the proposal would not result in detrimental harm to the adjacent SSSI and ancient woodland. As detailed above the proposal is considered to represent sustainable development and in line with government guidance is recommended for approval subject to conditions.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

1. The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: To comply with Section 91(1) of The Town & 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 plans and documents listed above.

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

3. No development works above ground level shall take place until details of the materials to be used in the construction of the external surfaces, including windows and doors, of the building hereby permitted 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 ensure the use of appropriate high-quality materials in the construction of the development in accordance with policy BE14 of the adopted Brentwood Local Plan.

4. No development shall take place, including any ground works or demolition, until a Construction Environment 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:
  - i. the parking of vehicles of site operatives and visitors
  - ii. a waste management plan
  - iii. details of measures to minimise noise and vibration during construction and ground works
  - iv. measures to control the emission of dust and dirt during construction
  - v. measures being taken to minimise direct impacts on the adjacent ancient woodland and SSSI and indirect effects such as chemical runoff.
  - vi. route to be used by construction vehicles to and from the site
  - vii. loading and unloading of plant and materials
  - viii. site set-up including arrangements for the storage of plant and materials used in constructing the development
  - ix. wheel and underbody washing facilities
  - x. 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwellings hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reason: To prevent the extension of the dwellings hereby approved closer to the ancient woodland and SSSI to the north and east of the site increasing the impact of the development above the level that has been assessed and deemed acceptable.

6. The first floor window(s) in the west facing flank elevation of the building on plot 1 hereby approved 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.

7. No works related to the alteration of ground levels at the site and no works above ground level other than demolition of the existing building shall occur until details of existing and proposed ground levels and proposed finished floor levels (including proposed rear patio areas), 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.

8. No development shall take place, including any ground works or demolition, until a ecological 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 include an arboricultural method statement as well as setting out measures for minimising adverse effects on the boundary trees and wider woodland and should also include measures to enhance the woodland edge by carefully removing some of the existing hardstanding and tipped materials adjacent to the wood.

Reason: To ensure appropriate protection to on and off site trees and hedges and to minimise the impact of the development upon the adjacent ancient woodland and SSSI in accordance with policies NE01 and NE03 of the adopted Brentwood Local Plan.

9. Full details of the provision and subsequent retention of both hard and soft landscape works on the site 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:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
  - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
  - 3) Details of the aftercare and maintenance programme.
  - 4) Measures to achieve biodiversity enhancements

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.

#### Hard landscape works

- 4) Details of any walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of any street furniture, with designs materials and dimensions

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

Reason: In the interest of the character and appearance of the development in accordance with policy BE14 of the adopted Brentwood Local Plan.

10. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

Reason: In the interest of the character and appearance of the development and to safeguard the living conditions of nearby residents.

11. No works above ground level other than demolition of the existing building shall occur until details of a surface water drainage scheme incorporating appropriate sustainable drainage systems for the disposal of surface water on site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as agreed.

Reason: To ensure a surface water is disposed of appropriately and in accordance with policy BE05 of the adopted Brentwood Local Plan.

12. Prior to first occupation of the development, at its centre line, each access shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before each access is first used by vehicular traffic and retained free of any obstruction at all times.

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

13. Prior to first occupation of the development, and notwithstanding the widths shown on the planning drawing 21-102-PL-02A. Both the existing and new shared vehicle accesses shall create an in/out access arrangement and each access shall be provided at a width of no more than 6 metres. Each access shall be constructed at right angles to the highway boundary and existing carriageway and shall be provided with an appropriate vehicular crossing of the highway verge. Full details shall be submitted to and agreed in writing with the Local Planning Authority and the Highway Authority prior to the occupation of the development.

Reason: To ensure that opposing vehicles can pass clear of the limits of the highway and to ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

15. Prior to first occupation of the development and notwithstanding the dimensions of the parking spaces on planning drawing 21-102-PL-02A. The vehicle parking areas and associated shared turning areas shall be provided. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking areas and associated turning areas 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 and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

16. Each dwelling shall have access to at least one electric vehicle charge point.

Reason: To maximise the opportunity for future occupiers and visitors to use electric and low emission vehicles in accordance with policy BE11 of the adopted Brentwood Local Plan.

17. The proposed new boundary planting shall be planted a minimum of 1.0 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

18. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

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

19. Prior to 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, approved by Essex County Council, 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.

20. No development shall take place above slab level of the dwellings hereby permitted until details of:

- measures to ensure that the building does not exceed 110 litres per person per day;
- measures to achieve lower water consumption rates and to maximise futureproofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network;

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: In order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

21. No dwelling pursuant to this permission shall be occupied until an FTTP (Fibre to the Premises) Statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme for the installation of a high speed wholly FTTP connection to each premises within the approved development OR supplying evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP. The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be laid out at the same time as other services during the construction process and be available for use on the first occupation of any dwelling, or such other date agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that have been made in the absence of FTTP).

Reason: To ensure fast, reliable digital connectivity for the new residential dwellings in accordance with policy BE07 of the adopted Brentwood Local Plan.

22. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

#### Informative(s)

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

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 in representations, but the matters raised are not sufficient to justify the refusal of permission.

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.

The developer is reminded that, where applicable, during the construction phase on the building site, no bonfires should be undertaken. The Environmental Protection Act 1990 outlines that smoke arising from bonfires can be considered a statutory nuisance. The Highways Act also outlines smoke drifting onto a public highway is an offence.

The developer is also reminded, where applicable, to ensure that any asbestos containing materials within existing buildings is removed by an appropriately licensed contractor before undertaking any development on site in the interests of health and safety.

**ECC Highways Informatives:**

- o 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.
- o Any proposed boundary features on the site frontage, including walls, piers or fences shall be set back behind the highway boundary and the visibility splay.
- o The applicant should be made aware of the potential relocation utility apparatus in the highway and any other associated utilities that may be underground. Any relocation shall be fully at the applicant's expense.
- o 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.
- o The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

*BACKGROUND DOCUMENTS*

**DECIDED**



Appendix A



Title : Coppice Bungalow, School Road, Kelvedon Hatch, Brentwood, Essex CM15 0DL

22/01008/FUL

Scale at A4 : 1:1250

Date : 28th June 2023

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



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**SITE PLAN ATTACHED**

**LAND TO THE SOUTH OF BASKEVYNS DAYS LANE DODDINGHURST ESSEX**

**CONSTRUCTION OF 3 NO. AGRICULTURAL STABLES WITH RELATED  
HARDSTANDING TO FRONT AND FENCING WITHIN SITE**

**APPLICATION NO: 22/01734/FUL**

<b>WARD</b>	Brizes & Doddinghurst	<b>8 WEEK DATE</b>	15 May 2023
<b>PARISH</b>	Doddinghurst	<b>EOT DATE</b>	4 July 2023
<b>CASE OFFICER</b>	Mr Daryl Cook		
<b>Drawing no(s) relevant to this decision:</b>	AGDLB/PSE&FP/02; 43843BWLS-01; AGDLB/PBP/01; SuDS Management Plan; AGDLB/SuDS/01		

**This application has been referred to Planning Committee at the request of Doddinghurst Parish Council, objecting to the development on the following basis:**

- Buildings proposed are excessive for the use as shelters for alpacas and goats.
- The field is known to be wet, which is not conducive to keeping alpacas and goats.
- Animal welfare is a concern as there is no mention of a fresh water supply and the applicant lives some considerable distance from the site.
- This part of Days Lane is a Protected Lane according to BBC's published Local Plan 2016-2033 Policy Map 4. Although we appreciated that this is not a reason in itself for refusal, Clause 5.172 states that an assessment of material increases in motorised traffic will be required.
- The site lies within the Green Belt and the applicant has demonstrated no special circumstances which would outweigh harm.

## **1. Proposals**

Planning permission is sought for the construction of 3 no. agricultural stables with related hardstanding to front and fencing within site at Land to The South of Baskevyns, Days Lane, Doddinghurst.

## **2. Policy Context**

Brentwood Local Plan (2016-2033) (BLP):

- Policy MG02 Green Belt
- Policy BE05 Sustainable Drainage
- Policy BE12 Mitigating the Transport Impacts of Development
- Policy BE14 Creating Successful Places
- Policy BE16 Conservation and Enhancement of Historic Environment
- Policy NE10 Contaminated Land and Hazardous Substances
- Policy NE11 Floodlighting and Illumination

The Brentwood Local Plan 2016-2033 was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

National policy and guidance

- National Planning Policy Framework 2021 (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG)

## **3. Relevant History**

- 22/01419/FUL: Change of use from Agricultural to mixed use Agricultural & Equestrian, and construction of stables. - Application Withdrawn

## **4. Neighbour Responses**

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

This application has been advertised by way of neighbour notification letters and public site notice. At the time of writing this report, 10 individual neighbour representations have been received for this application with representations summarised below:

- References to the previous withdrawn application and material considerations raised within
- The entire site falls within the protected lane (policy BE16) and concerns of impacts from the development during the construction phase
- The use of the land described is disputed with dogs being trained/exercised at the neighbouring Baskevyns.
- Land ownership dispute with highway encroachment
- Application should only be considered when the applicant lives in close proximity and has community ties with the area
- Discrepancies within the application form regarding presence of trees and hedgerows
- Shelters are suited or designed for the proposed use
- No evidence of goat husbandry or claim of ownership
- Fences, shelters and hardstanding should be controlled by condition requiring their removal in the event the use ceases
- The site is in the Green Belt, visible from the road, public footpath and does not have permitted development rights.
- Inappropriate development within the Green Belt and unacceptable design. No very special circumstances identified.
- Lack of screening from trees.
- Lighting associated with the stables would be detrimental to local wildlife.
- Nearby application previously refused (22/00479/FUL). Note this was allowed on appeal (see APP/H1515/W/22/3300005).
- Developer intentions / future proposals for alternative uses e.g. dwelling will be submitted if allowed.
- Future proposals to subdivide the land.
- Unacceptable flood risks associated with the site/development.
- No provision of parking.
- No details of utilities or services for buildings submitted.

- Animal welfare concerns.
- Impacts upon the amenities of neighbours living conditions including noise and general disturbance.
- Impacts upon the highway network
- The change of use would result in CO2 being produced from animals to the detriment of the environment and result in a loss of food production.
- Loss of a view

## 5. Consultation Responses

- **Highway Authority:**

The information submitted in association with the application has been fully considered by the Highway Authority. The proposal will utilise an existing field access for the continued agricultural use and includes stables and fencing, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to condition. Informative recommended.

- **Historic Buildings and Conservation Officer:**

No Heritage Statement is supplied in order for me to offer written advice; from my search on the NHLE no statutory designations are acknowledged. Should there be more specific advice required please supply the relevant documentation.

- **Environmental Health & Enforcement Manager:**

I would make the following comments.

Noise: Construction hours should be between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no building on Sundays or Bank Holidays.

There are no concerns with noise for the suggested use of the agricultural buildings, simply be used for shelter.

Odour : The methods to control odour suggested by the applicant are appropriate.

Contaminated Land: A watching brief should be kept for any unforeseen contamination. If contamination is found, an intrusive investigation must be completed, and reports shall be submitted to the Local Planning Authority (LPA).

- **County Archaeologist:**

The Essex Historic Environment Record (EHER) shows that the proposed development site is in an area where cropmarks of historic field boundaries have been identified from aerial photographs (EHER 18136). However, the proposed stables are small in scale and, being timber-framed single-storey buildings, will not have substantial foundations or below-ground impact. As a result, it is unlikely that significant archaeological remains will be negatively impacted by the proposals.

Accordingly, given our current knowledge, this office has no recommendations to make regarding this application.

- **Parish Council (submitted via Public Access):**

#### Object

##### Buildings Excessive for Proposed Use

The British Alpaca Society states that alpacas only require field shelters and the erection of three large stables seems excessive for the applicant's needs. This suggests that the buildings may be used subsequently for other reasons.

##### Animal Welfare

This field is known to be wet and regularly discharges water onto the road. We understand that alpacas and goats do not fare well on wet ground. There is no mention in the application of how fresh water or electricity will be supplied. The applicant lives some distance from the site and, although he states he intends to move to the area at some point, we are concerned for the animals' welfare. How will they be fed, watered and cared for?

##### Protected Lane

It has been stated by Borough Cllrs that this section of Days Lane is not a Protected Lane. However, BBC's Adopted Local Plan 2016-2033 Policy Map shows that the Protected Lane runs past the application site. Whilst we appreciate that this in itself is not necessarily a reason for refusal, Clause 5.172 states that an assessment of material increases in motorised traffic will be required. We would therefore expect this to be carried out and assessed before any decision is made.

##### Green Belt

The site lies within the Green Belt and the applicant has demonstrated no very special circumstances which would outweigh harm (National Planning Policy Framework Clause 148)

In summary, the application should be consistent with the land's agricultural use and with the animals it proposes to accommodate. It should also recognise the cumulative

impact of additional traffic in the Protected Lane, and gradual creep undermining the Green Belt.

The Parish Council supports and shares the concerns of the residents who have responded to this consultation. We will ask that this application is heard and determined in public if it is recommended for approval.

- **Arboriculturalist** - No response received at the time of writing this report.
- **Environment Agency**- No response received at the time of writing this report.

## **6. Summary of Issues**

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application include the NPPF and NPPG. Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

### **Site context**

The application site is in the Green Belt which washes over the locality. It is off Days Lane, directly to the south of 'Wishfield Bungalow'. The total site area is 4.57 hectares and is currently in agricultural use. The site is not located adjacent to the protected lane, which contrary to the policies map, ends further north above the site. This is explored in further detail below.

### **Recent Planning History**

With the exception of a withdrawn application (for a similar scheme referenced above), there are no other available planning records applicable to this site.

### **Green Belt considerations**

Policy MG02 of the BLP indicates that development will be considered in accordance with the provisions of national planning policy, i.e., the NPPF. Chapter 13 of the National Planning Policy Framework (NPPF) relates to the protection of Green Belt land. Paragraph 137 states that the Government attaches great importance to Green Belts and the protection of its essential characteristics – its openness and permanence. Green Belt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to attractive countryside as to less attractive areas of Green Belt.

Paragraph 147 states that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). However, VSC would not exist unless the potential harm is clearly outweighed by other



considerations. The NPPF stipulates that new buildings are inappropriate development in the Green Belt, unless one of a short list of quoted exceptions in paragraph(s) 149 or 150.

The supporting statement lists exceptions to inappropriate development and appears to identify paragraph 149(a) as being applicable, that is for “*buildings for agriculture and forestry*”. This is considered to be the only exception applicable to the development.

Agriculture is defined by s336 of the Act which reads: “*agriculture*” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

Based simply on the description of the development, the proposal would represent an exception. Alpacas, for example, are widely considered and accepted to be livestock.

There is no test within the Framework, or local policies, requiring applicants to reasonably demonstrate buildings would be used for agricultural purposes although a condition is recommended to ensure the building is only used for purposes related to agriculture. Furthermore, there is also no requirement that the agricultural use to which the building is related to be viable or driven by a commercial enterprise. This approach is supported by the Legal team.

Finally, for developments that comply with paragraph 149(a) an assessment of the scheme’s impact on openness is unnecessary, as confirmed by *R (Lee Valley Regional Park Authority) v Epping Forest DC and Valley Grown Nurseries Ltd [2016]*.

The welfare of animals is covered by separate legislation and is not material to the determination of this application.

The proposed development is considered to trigger exception para 149(a) of the NPPF and would therefore not be inappropriate development in the Green Belt. The proposal is considered to be compliant with Policy MG02 of the BLP.

### **Heritage and Design considerations**

Chapter 16 of the National Planning Policy Framework aims to conserve and enhance the historic environment with paragraph 199 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset’s conservation. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. Policy BE16 of the BLP is also relevant.

Policy BE14 seeks to create successful places ensuring new development meets high design standards (including materials) and delivers safe, inclusive, attractive and accessible places. It also seeks to protect neighbour amenities, promote sustainability

and enhance the natural environment. The preamble text also identifies the Essex Design Guide (EDG) as a useful starting point for a development.

The Essex Historic Environment Record (EHER) shows that the proposed development site is in an area where cropmarks of historic field boundaries have been identified from aerial photographs (EHER 18136). However, the proposed stables are small in scale and, being timber-framed single-storey buildings, will not have substantial foundations or below-ground impact. As a result, the Archaeology team at ECC advise it is unlikely that significant archaeological remains will be affected by the proposals.

Furthermore, the Historic Environment Advisor (County) has previously advised within the consultation response of application 22/01419/FUL, that the segment of Days Lane on which the proposed development is located is not a 'Protected Lane'. That ends to the north of the development (near the Junction with Solid Lane). This is contrary to what is shown on the Policies Map where, in error, the notation continues south past the junction. ECC has concluded that any proposed access alterations or widening associated would not have a direct impact on the Protected Lane.

In terms of the error on the Policies Map, Local Plan document C29 "[Protected Lanes Assessment](#)", Figure 8 (pg.21) is the authoritative document, confirms the extent of the Protected Lane and showing that it ends at the junction described above. This is crudely depicted in the image below: the blue line represents the Protected Lane and the red X illustrates the broad location of the site. The inaccurate plotting of the extent of the protected lane on the [policies map](#) would not be an appropriate basis for determining this issue.



**Above: Extract from Local Plan document C29, Figure 8, pg.21**

In terms of design, each shelter is identical in appearance and scale, each with a hay store to one side and three stables. The drawings submitted illustrate a pitched roof

building with maximum height of 3m, a length of 15m and a depth of 3.6m plus 1.2m roof overhang. Hardstanding areas of 15m x 2m are also located to the front of each building with concrete base. Indicative photos of a typical building is included within the Planning Statement. Overall, their scale and design are considered to be of a low profile and as a form of agricultural storage building, not incongruous within a rural setting. The overall design, scale and materiality is considered to be acceptable. Furthermore, these are considered to be a sufficient distance from the road to avoid affects on existing hedgerows and trees.

In terms of neighbour amenity (living conditions), it is considered that the proposed shelters would not give rise to an overbearing form of development, nor through their use and proximity from the boundary result in a loss of privacy to the detriment of immediate neighbours. In terms of general disturbance, the Environmental Health team confirm that there are no material concerns in respect of noise or odour. Working hours are controlled by separate legislation and this is brought to the attention of the developer by way of informative.

Therefore, the proposed development is considered to be compliant with policy BE14 of the BLP and the aims and objectives of the NPPF and NDG.

### **Natural Environment considerations**

The Environmental Health team has advised that a watching brief should be kept for any unforeseen contamination and if found, an intrusive investigation is to be completed with reports submitted to the LPA. A condition to this effect is recommended to ensure compliance with the aims of policy NE10 of the BLP.

In terms of policy NE11, a condition is recommended for a lighting strategy to mitigate the impacts of the development upon nocturnal species and other wildlife in the event external lighting is required.

### **Flood risk considerations**

The site is located within Flood Zone 1 although the total site area would exceed 1 hectare. However, the buildings themselves occupy a much smaller portion of land and the SuDS team have advised that it does not wish to comment on the application.

Notwithstanding, and during the lifetime of the application, the applicant has submitted further details to incorporate private drainage features into the scheme to satisfy the requirements of policy BE05. As an approved drawing, these features would need to be incorporated into the building when constructed.

### **Parking and Highway considerations**

The Highway Authority has reviewed the proposed development which would utilise an existing field access for the continued agricultural use of the site. No parking provision is considered necessary for the proposed use. It considers the proposal acceptable and recommends a condition in respect of fencing, ensuring this is not positioned within land

which has highway rights over it. The proposed development would comply with policy BE12 of the BLP.

### **Other Matters**

The Parish Council has raised objection to the development (and subsequently referred the item). Its objections are summarised as: buildings excessive for proposed use, animal welfare concerns, the site is within a protected lane, and that no very special circumstances have been identified to outweigh the harm to the Green Belt. These are responded to in turn:

- It is considered that the scale of the buildings is acceptable and commensurate with the size of the development site. Their use is to be conditioned for agricultural purposes.
- In terms of animal welfare, this is controlled by separate legislation beyond the scope of planning considerations. Building utility and services, where required, would be controlled by building regulations. The buildings are not proposed for human occupation. The personal circumstances of the applicant are not a material planning consideration.
- In terms of the protected lane, this is considered in detail above. The site is not accessed via a Protected Lane.
- In terms of Green Belt considerations, an exception to inappropriate development has been identified as considered in detail above. On that basis, no VSC are required to be identified.
- The loss of a private view is not a material planning consideration.

Neighbour representations objecting to the development have been fully considered. The applicant has submitted a response, although this is not repeated here. Where representations have not been covered within the report above, they are commented upon below:

- The use of the land is for agricultural purposes as existing. The use would remain agricultural and is conditioned as such requiring removal of materials were the use to cease. Planning permission would be required for any change of use which does not fall within the definition of agriculture, including where land may be subdivided. The LPA are required to determine the application before them, and not to speculate on future applications which would be determined on its own merits.
- Land ownership disputes are not a material planning consideration.
- The personal circumstances and intentions of the applicant (developer) are not a material planning consideration.

### **Conclusion**

The proposed development, for the reasoning outlined above, is considered to be compliant with the aforementioned policies of the BLP and the aims and objectives of

the NPPF and NDG. Therefore, the proposed development is recommended for approval.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

### **1 TIM01 Standard Time - Full**

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

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

### **2 DRA01A Development in accordance with drawings**

The development hereby permitted shall not be carried out except in complete accordance with the approved documents 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 Lighting strategy**

No lighting shall be installed on the exterior of the buildings hereby permitted until a lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall detail the types of lighting to be installed including luminance levels and how it will be designed to mitigate impacts upon wildlife from light spillage. The strategy shall be implemented as approved in perpetuity unless otherwise agreed by the local planning authority.

Reason: in the interests of protecting the natural environment and to avoid light spillage in accordance with policy NE11 of the Brentwood Local Plan.

### **4 Fencing clear of the highway**

Notwithstanding the approved drawings, all fencing shall be positioned clear of any land which has highway rights over it in perpetuity.

Note: The Highway Boundary Plan is available from ECC Highway Records. Please refer to Highways consultee response.

Reasons: to preserve the integrity of the highway and in the interests of highway safety in accordance with policy BE12 of the Brentwood Local Plan.

### **5 Contamination**

If contamination not previously identified is found to be present at the site, it shall be made safe, all works shall cease, and it be reported immediately to the local planning authority. A remediation strategy shall be submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with.

Works shall not recommence until written approval from the local planning authority has been given. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy NE10 of the Brentwood Local Plan.

#### 6 Agricultural use only and removal

The buildings hereby permitted shall not be used other than for the purposes of agriculture as defined in S336 'Interpretation' of the Town and Country Planning Act 1990. If the use of the building(s) for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which it was substantially completed, and;

- i) planning permission has not been granted on application; or
- ii) has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the building for the purposes of agriculture within the unit permanently ceased;

then, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been otherwise agreed in writing between the local planning authority and the developer.

Reasons: to protect the rural character of the area, the amenities of neighbouring residents and in order to safeguard the Green Belt from inappropriate development.

#### 7 Notice of substantial completion

The developer shall notify the local planning authority in writing within 7 days of the date on which the development is substantially completed of that fact.

Reasons: to protect the rural character of the area, the amenities of neighbouring residents and in order to safeguard the Green Belt from inappropriate development.

#### 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 in representations, but the matters raised are not sufficient to justify the refusal of permission.

##### 2 INF04

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

3 The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE05, BE12, BE14, BE16, NE10, NE11, MG02; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

4 Highways Informative(s):

Regarding the position of the highway boundary and land that has highway rights over it. It is not uncommon for land to be under the ownership of a third party, i.e. the sub-soil, but also be public highway. Highway boundary plans are available from ECC Highway Records. For more information on this service please follow this link:

<https://www.essexhighways.org/highway-schemes-and-developments/adoptions-and-land/highway-status-enquiries.aspx> and please contact [highway.status@essexhighways.org](mailto:highway.status@essexhighways.org) who will be able to provide details.

Highway Boundary information is given with the following important note:

Information is given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping.

It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.

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

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

5 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.

6 INF29

The developer is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the proposed works to affected neighbours. Detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. Further information may be viewed at <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

7 INF32

When carrying out building work, you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction which shall be complied with. Notwithstanding, the developer is reminded to ensure compliance with the requirements of the Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required, the Authority may serve a notice on the site/works setting out conditions of permitted work under section 60 of the Act. British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work. An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

The developer is also reminded that, where applicable, during the construction phase on the building site, no bonfires should be undertaken. The Environmental Protection Act 1990 outlines that smoke arising from bonfires can be considered a statutory nuisance. The Highways Act also outlines smoke drifting onto a public highway is an offence.

The developer is also reminded, where applicable, to ensure that any asbestos containing materials within existing buildings is removed by an appropriately licensed contractor before undertaking any development on site in the interests of health and safety.

8 INF33

Considerate Contractor Advice Note - The developer is advised to ensure full compliance with the 'Guidelines for good practice' when undertaking construction and demolition works during the relevant phases. A copy of the guidelines is available online: [https://document.brentwood.gov.uk/pdf/pdf\\_1185.pdf](https://document.brentwood.gov.uk/pdf/pdf_1185.pdf).

*BACKGROUND DOCUMENTS*



**DECIDED:**

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Appendix A



Title : Land To The South of Baskevyns, Days Lane, Doddinghurst, Brentwood, Essex

22/01734/FUL

Scale at A4 : 1:2500

Date : 28th June 2023

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



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**SITE PLAN ATTACHED**

**INGATESTONE RAILWAY STATION, STATION LANE, INGATESTONE, ESSEX,  
CM4 0BW.**

**CONSTRUCTION OF A BLUE PLAQUE TO THE REAR OF THE STATION BUILDING  
ON THE LONDON BOUND PLATFORM.**

**APPLICATION NO: 23/00197/LBC**

<b>WARD</b>	Ingatestone, Fryerning & Mountnessing	<b>EOT DATE:</b>	1 July 2023
<b>PARISH</b>	Ingatestone & Fryerning	<b>POLICIES</b>	NPPF, NPPG
<b>CASE OFFICER</b>	Mr Daryl Cook		
<b>Drawing no(s) relevant to this decision:</b>	Site Location Plan; Heritage Statement; Photo illustrating potential positions;		

## 1. Proposals

The application has been made by local member Cllr Sankey. Therefore, the item has been referred to Planning Committee in accordance with the provisions of Part 5.2, Part B – Planning Committee Procedures, 2.1(c) (pg.204 of the Constitution).

Listed Building Consent is sought for the “*construction of a blue plaque to the rear of the station building on the London bound platform*” at Ingatestone Railway Station.

## 2. Policy Context

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## 3. Relevant History

- N/A

## 4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

This application has been advertised by way of public site notice, press advert and neighbour notification letters. At the time of writing this report, no neighbour representation has been received for this application.

## **5. Consultation Responses**

- **Historic Buildings and Conservation Officer:**

This is a Grade II listed building within the Ingatestone Station lane Conservation Area, List Entry Number: 1279577. Date first listed: 20-Feb-1976 amended 1994 "1846. For Eastern Counties Railway. Red brick English bond with black bricks in diaper patterns, and limestone dressings roofed with slate. Tudor Revival style. Arranged along the NW side of the railway line, entrance elevation to NW (Historic England Extract 2023). "The railway station is constructed in what Pevsner (Bettsley and Pevsner 2007, 503) described as a 'friendly Neo-Tudor', possibly by architect H.A. Hunt (Fig 32). The design was said to reflect the architecture of nearby Ingatestone Hall at the insistence of the 11th Lord Petre, as a condition of building on his land...a picturesque building, of red brick construction with diaper patterns in black brick, and chamfered stone surrounds to the main windows".

Having assessed the submitted application, which is accompanied by a proportionate Heritage Statement, I support the proposals and advise this Commemorative Plaque enhances social and historical significance of both Heritage Assets, the listed building and the conservation area, engaging Para 206 of the National Planning Policy Framework. I trust this advice is of assistance.

- **Parish Council:**

Having taken due regard to the adopted Ingatestone and Fryerning Parish Council Neighbourhood Plan 2020-2033, Ingatestone and Fryerning Parish Council have no objection to this planning application

## **6. Summary of Issues**

The only issue which requires consideration as part of the determination of this application is the impact of the works upon the Grade II Listed Building "INGATESTONE RAILWAY STATION" (List UID: [1279577](#)).

S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of*

*preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

## **Heritage considerations**

S66 (1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interests which it possesses. Chapter 16 of the National Planning Policy Framework aims to conserve and enhance the historic environment with paragraph 199 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the heritage asset’s conservation. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.

The Blue Plaque (a national scheme) would commemorate Dorothy Wadham (1534/5 – 1618) who was brought up at Ingatestone Hall and founded Wadham College (Oxford) in 1610, which has a relationship with the wider Parish.

The submitted documents include a site location plan and photo illustrating “potential positions” for the Blue Plaque. The heritage statement includes photos of the site location and plaque. The Councils Historic Buildings and Conservation Officer has reviewed the proposed scheme:

They summarise that the application is accompanied by a proportionate heritage statement, they are supportive of the proposal as the Commemorative Plaque enhances social and historical significance of the Heritage Assets (N.B. the site also falls within the Ingatestone Station Lane Conservation Area).

On the basis that the Blue Plaque is applied through mortar, rather than brick, it would be reversible and a condition to this effect is recommended.

The application for Listed Building Consent is considered to be acceptable and therefore recommended for approval.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

1 TIM05 Standard Time - Listed Building Consent

The works hereby granted consent shall be begun on or before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 1990.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved documents 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 The method of fixing the Blue Plaque hereby permitted shall be through mortar only and NOT brickwork. This is in order to ensure the effects are reversible.

Reasons: in order to safeguard the heritage asset and for the avoidance of doubt.

Informative(s)

1 In considering whether to grant listed building consent for the proposed works the local planning authority has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and concluded that these aspects of the building would not be harmed. The proposal is compliant with the requirements of S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 policies of the NPPF and NPPG.

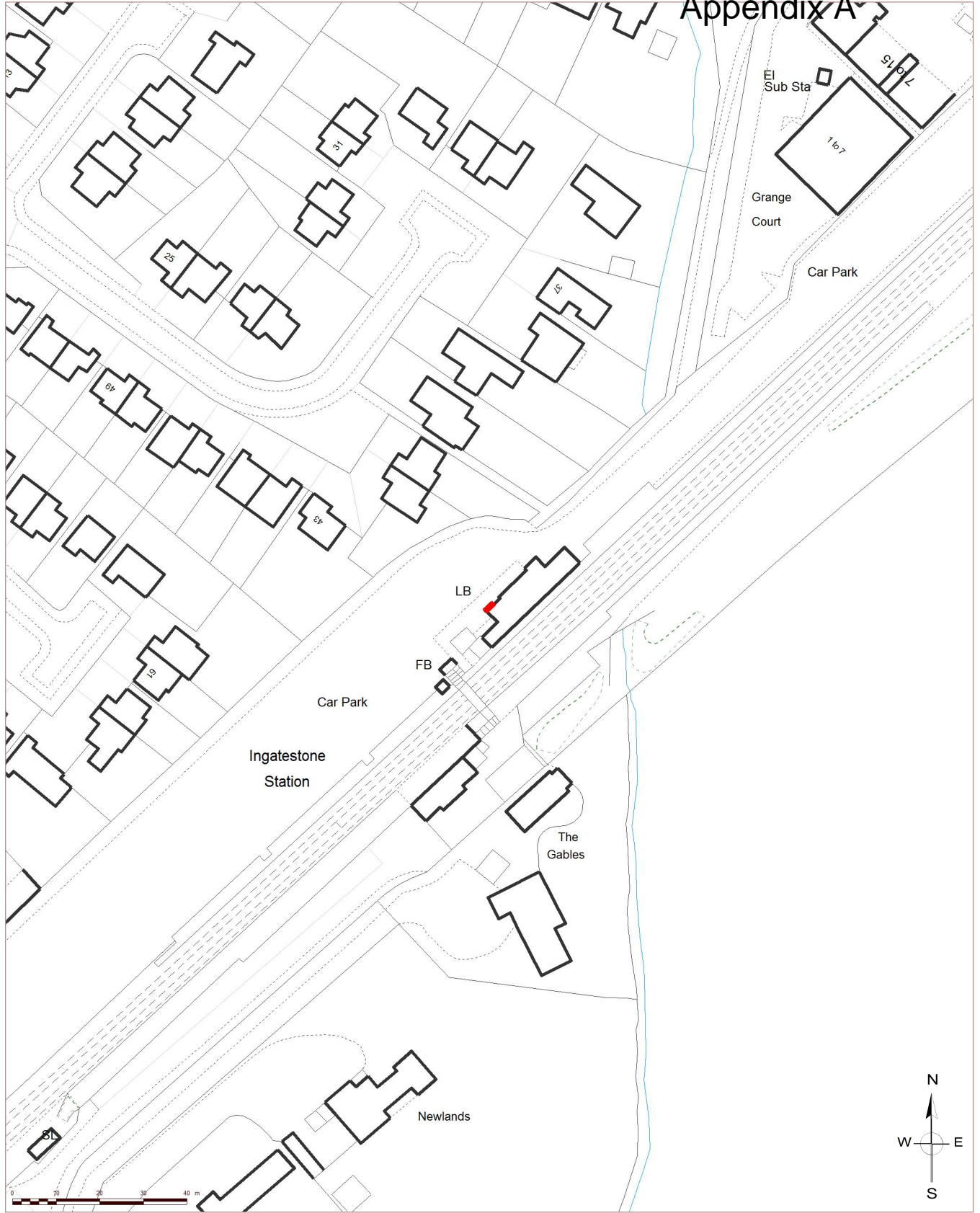
2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations and any representations that may have been received and subsequently determining to grant listed building consent.

*BACKGROUND DOCUMENTS*

**DECIDED:**



Appendix A



Title : Ingatestone Railway Station, Ingatestone, Essex, CM4 0BW

23/00197/LBC

Scale at A4 : 1:1250

Date : 28th June 2023

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



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## **Members Interests**

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

## **Terms of Reference 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.

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