

## **COMMITTEE REPORT**

### **ITEM 04**

**Reference:**

- 1)17/00489/FUL
- 2) 17/00483/LBC

**Site:**

67 High Street  
Ingatestone  
Essex  
CM4 0AT

**Ward:**

Ingatestone, Fryerning  
& Mountnessing

**Proposal:**

**Parish:**

Ingatestone &  
Fryerning

- 1) Removal of condition 2 - to build in accordance with approved drawings on 16/01565/ful (Change of use of 67 High Street, Ingatestone from a retail unit (Class A1) to residential (Class C3) and associated internal and external works) to amend roof design and replace window on the scheme with a door
- 2) Conversion of building into two residential units to include single storey rear extension, alterations to windows and doors on the front and side elevations, alterations to roof, addition of roof lights and internal alterations to walls and doors to provide a new layout

**Plan Number(s):**

106/02; 107/03; D1; DESIGN AND ACCESS STATEMENT; previous decision; 01;

**Applicant:**

Crown Ingatestone Limited

**Case Officer:** Mr Nick Howard

**The application has been called in by Councillor Cloke on the grounds of the alterations being carried out in advance of planning permission and car parking issues.**

### **1.0 DESCRIPTION OF PROPOSAL**

Background:

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, with any associated legal agreements. New issues may arise after planning permission has been granted, which require

modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. The local planning authority may grant planning permission, either unconditionally or subject to such conditions they see fit; or refuse planning permission.

In this instance, a change to the original planning permission and listed building consent is sought retrospectively, because both the construction of the 3 cottages and former stable block and works to the listed building have already been carried out.

The applications therefore seek a variation of condition 2 of planning reference 16/01565/FUL

Condition 2 of those permissions states:

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

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

The works carried out were completed in April 2017 and this application seeks approval for an alternative scheme to that permitted in 2016.

The proposal is for alterations to the curtilage listed building which are discussed in detail in the assessment section of the report.

## **2.0 SITE DESCRIPTION**

67 High Street is a curtilage listed building within the located within the historic curtilage of the Grade II listed building of The Crown. The site holds a prominent position within the Ingatestone High Street Conservation Area. It is a long single storey building with a pitched roof.

## **3.0 RELEVANT HISTORY**

- 16/01565/FUL: Change of use of 67 High Street, Ingatestone from a retail unit (Class A1) to residential (Class C3) and associated internal and external works. - Application Permitted
  - 17/00591/FUL & 17/00589/LBC- alterations to the Crown Inn – These applications are being considered on the same committee agenda.
  - 17/00498/FUL- alterations to the three cottages at the rear- This application is being considered on the same committee agenda.

## 4.0 SUMMARY OF CONSULTATION RESPONSES

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

- **Parish Council-**

No objection.

- **Historic Buildings And Conservation Officer-**

HBO **objects** to the proposal. Her comments are discussed in full in the assessment section of the report

- **Environmental Health & Enforcement Manager-**

This service has no comment on the above proposals as they are design issues only.

## 5.0 SUMMARY OF NEIGHBOUR COMMENTS

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

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

6 letters of objection on the grounds that alterations have been carried out without planning permission and the proposal would cause parking chaos. One of the objectors is concerned that the front garden of No 67 will be 'unsecured'

The Post Office Road Residents Association object on the grounds of lack of parking due to the increased occupancy of the cottages to the rear of the public house, which will lead to more parking on neighbouring streets including Post Office Road

## 6.0 POLICY CONTEXT

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

RLP Policy:C15 & C17

NPPF Sections: Paragraph 134

## Local Development Plan:

The Council's emerging Local Development Plan is currently at draft stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As a plan advances and objections are resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan will be a site-focused consultation (Regulation 18) later in 2017, followed by the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published early in 2018. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Planning Inspectorate finds the plan to be sound it is estimated that it could be adopted in late 2018 or early 2019.

## 7.0 ASSESSMENT

The building is a curtilage listed building set within the grounds of the Crown Inn, which is Grade II listed. The Council have no objections to the principle of converting the building into two residential units.

The roof/eaves on site is currently unacceptable, however the proposed alteration showing the roof/eaves detail as set out in the submitted plans is accepted by way of mitigation. The fenestration and reinstatement of the stable door (with its original fixings) is supported; this includes single glazed flush casement windows, painted timber.

However, there are a number of issues still outstanding that the applicant is unwilling to change. These are as follows:

- The doors to the north west (front) elevation remain of an urban design and are considered out of keeping with the character of the listed building.
- The vents on the rear elevation have been covered up and should be reinstated.
- The expanse of roof lights, which includes six on the eastern roof plane is too great and these are not conservation type rooflights which could be set flush into the roof covering.
- The soil vent pipes on the ridge line of the building should be reduced and the tile vents could be incorporated.

- Overall the clutter on the roofscape at present is not accepted.

## **8.0 CONCLUSION**

The Council consider that these unsympathetic additions cumulatively are harmful to the character and setting of the curtilage listed building. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan.

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

The proposal provides two private residential units, which is considered to be of limited public benefit and does not outweigh the harm to the significance of the heritage asset.

## **9.0 RECOMMENDATION**

The Application be REFUSED for the following reasons:-

- 1) The proposed alterations to the curtilage listed building has installed unsympathetic features contributing to a cumulative impact resulting in less than substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 134 of the Framework indicates that where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of providing two market residential units are considered to be minor and would not outweigh the harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.
- 2) The proposed alterations to the curtilage listed building has installed unsympathetic features contributing to a cumulative impact resulting in less than substantial harm to the significance of the designated heritage asset. The proposal is therefore contrary to Policies C15 and C17 of the Brentwood Replacement Local Plan. Furthermore, paragraph 134 of the Framework indicates that where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of providing two market residential units are considered to be minor and would not outweigh the harm to the listed building and therefore the proposal is contrary to the provisions within the Framework.

### Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: C15 & C17; the National Planning Policy Framework 2012 and NPPG 2014.
2. 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.

### **Documents:**

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

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