

## **COMMITTEE REPORT**

### **ITEM 09**

**Reference:**  
17/00682/FUL

**Site:**  
Land Adjacent  
3 King Edward Road  
Brentwood  
Essex

**Ward:**  
Brentwood South

**Proposal:**  
Construction of two x 2 bedroomed semi-detached dwellings.

**Plan Number(s):**  
1401:100 /P1; 1401:102 /P1; 1401:103 /P1;

**Applicant:**  
Mr A Tidbury

**Case Officer:** Mr Mike Ovenden

**The application is being presented to the planning committee as Brentwood Borough Council is the applicant.**

#### **1. Proposals**

This application relates to the erection of a pair of semi detached two storey dwellings on a triangular shaped piece of land just off Kings Road at the point where commercial development gives way to residential uses. The site is currently unused and is largely concreted over. To the righthand side is a 1980s three storey brick and slate clad office and to the left is a rendered and weatherboarded late Victorian/Edwardian two storey terrace.

#### **2. Policy Context**

Local Development Plan:

The Development Plan for the area is the Brentwood Replacement Local Plan 2005, as is the case for the rest of the borough.

The relevant development plan policies for this application are:

- Policy CP1 General Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking – General
- Policy E2 Areas Allocated for Office Purposes

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 making, 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.

### **3. Relevant History**

- History of vehicle garaging and parking, including some short lived unauthorised vehicle related uses – repairs/testing/hiring/warehouse/trade sales (previous land owners).
- BRW/275/78 Outline permission for two flats (expired).

### **4. Neighbour Responses**

- Support shape and massing
- Two good quality houses are acceptable
- Hope that the design and materials will be of high quality
- Query whether it will affect rear access to existing properties
- Comment that even though parking is to be provided occupiers may have more than one car each
- Concern about vehicles during construction period.

### **5. Consultation Responses**

- **Highway Authority:** No objection subject to conditions:

1. Prior to occupation, the footway located to the west of the proposed access to be reinstated to full height and connect with existing footway along King Edward Road.

2. Provision of 1.5 metre x 1.5 metre pedestrian visibility splay.

3. Provision and implementation of a Residential Travel Information Pack for occupiers.

- **Environmental Health & Enforcement Manager:** None received
- **Network Rail Property:** None received

## 6. Summary of Issues

This site is a previously developed parcel of land with a history of commercial and vehicle related uses. It appears to have been last used for parking and due to being largely covered with hardstanding has a barren appearance contributing nothing to the locality.

The site is included on the local plan proposals map as being appropriate for offices (Policy E2). However this is a permissive policy that does not preclude the development of the site for other uses. In principle therefore the redevelopment of this central site for residential purposes is acceptable.

With regard to the design of the dwellings, the pair would have a simple appearance with a low key design that has a lower eaves and ridge and none of the decoration of the adjacent dwellings. With regard to materials properties along this street have a mix of natural and man made materials, plus boarding, render, pebble dash, pale and red bricks. Windows on nearby properties include, timber and UPVC, in white and woodgrain effect. The proposed imitation slate and buff brick and windows and doors of dark grey aluminium frames would be acceptable in this context.

All windows would face front or back and while there would be a first floor terrace at the rear there would be a 1700mm privacy screen between the two units themselves and adjacent to the neighbouring dwelling to provide acceptable levels of privacy. Two car parking spaces are proposed (one per unit) and they are of appropriate dimensions and, as the dwellings are set in from the back of the pavement (inline with adjacent buildings), allow the provision of adequate visibility splays. The proposed rear gardens are small but are considered adequate for the proposed small two bedroomed dwellings in this central location. Permitted development rights for extensions and outbuildings can be removed by condition to prevent the reduction of the gardens without permission.

Other comments made in representations

Private rights to other properties are not a planning issue, although the applicant is aware of them and a note is to be put on the decision notice to that effect. A concern has been expressed about the use of construction vehicles during the development period and a condition is recommended requiring the submission of a construction management plan.

This proposal would make a modest contribution to housing land supply in the borough but is acceptable in planning terms in its own right without having to rely on this issue to justify permission.

## **7. Recommendation**

The Application be APPROVED subject to the following conditions:

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

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

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

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

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

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

### **3 Removal of Permitted Development rights for extension/enlargement**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwelling 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 avoid overdevelopment of the site.

### **4 Removal of Permitted Development rights for outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Class E of that Order (buildings, enclosures, swimming or other pools) shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reason: To avoid overdevelopment of this small site.

### **5 Remediation of potential site contamination**

No development shall commence until a remediation scheme to bring the site to a suitable condition for residential development has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation scheme will be

implemented prior to the commencement of any part of this planning permission (unless otherwise agreed in writing by the local planning authority). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. Such agreed measures shall be implemented and completed prior to the commencement of any development of the site.

- Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the commencement of any development of the site.
- The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: To protect the safety of future occupiers of the dwellings given the long history of commercial and vehicle related uses on the site.

## 6 Construction Method Statement

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

- vii.a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

7 Prior to occupation, the footway located to the west of the proposed access shall be reinstated to full height and connect with existing footway along King Edward Road.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

8 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction thereafter. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

9 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (as approved by Essex County Council).

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

#### Informative(s)

##### 1 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.

##### 2 INF05

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

##### 3 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.

#### 4 Highway informatives

- The reinstatement of the footway is to be provided entirely at the developers expense and subject to certification through a Highway Works Agreement.
- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

5 During the consideration of this application representations were received concerning private rights of way. The development is reminded that these rights are overtaken by this permission.

6 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/party-wall-etc-act-1996-guidance>

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**