

SITE PLAN ATTACHED

LAND ADJACENT 3 KING EDWARD ROAD KING EDWARD ROAD BRENTWOOD ESSEX

VARIATION OF CONDITION NO 2 (BUILT IN ACCORDANCE) ON APPLICATION 17/00682/FUL (CONSTRUCTION OF TWO X 2 BEDROOMED SEMI-DETACHED DWELLINGS) TO REPOSITION AND AMEND DESIGN TO REMOVE UNDERCROFT PARKING, CREATE DINING ROOM AND ADD LOFT ROOMS WITH ROOFLIGHTS FRONT AND REAR.

APPLICATION NO: 19/01649/FUL

WARD	Brentwood South	8/13 WEEK DATE	20.01.2020
PARISH		Extension of time (if applicable):	13.03.2020
CASE OFFICER	Mr Mike Ovenden		
Drawing no(s) relevant to this decision:	19-058/01 A; 19-058/02 A; 19-058/03 A; 19-058/04 A		

This application is reported to the Planning and Licensing Committee as it has been submitted by the Council and relates to Council owned land.

1. Proposal

This application relates to alterations to the design of a pair of semi detached dwellings permitted in July 2017. The proposal subject to the current application differs from the 2017 scheme as follows:

- Removal of two undercroft parking spaces (one to each dwelling) to become part of the ground floor accommodation of each property
- Use of roofspace to provide 'home office' accommodation at second floor level
- Provision of four rooflights to the front and three rooflights to rear elevation
- Gap between proposed building and existing dwelling to east reduced from 1170 mm to 1102mm
- Gap between proposed building and existing office to west increased from 1175 mm to 1270mm to avoid encroaching on a private right of way

2. Policy Context

The Development Plan: Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking – General

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, ending on 26 November 2019. At Ordinary Council on 22 January 2020 the Council resolved to submit the plan to the Planning Inspectorate on behalf of the Secretary of State (Regulation 22). Submission of the Local Plan took place on Friday 14 February 2020. An Examination in Public is likely to be held in mid 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council in late 2020 or 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy

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

3. Relevant History

- 17/00682/FUL: Construction of two x 2 bedroomed semi-detached dwellings - Application Permitted

4. Neighbour Responses

- Rubbish and foliage is dumped on the land at the rear
- The gate on the drawing will need to provide access to properties at the rear
- Concerns about removal of parking, already insufficient parking available
- Current issues of Zone C permit holders parking during restricted times and others during non restricted times
- Support and understand need for further housing
- Suggest on street parking could be extended

5. Consultation Responses

- **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 revised proposal includes no provision for off-street parking. Brentwood Borough Council's adopted parking standards state that "for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development."

The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to first occupation the existing access along the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing. Full details to be agreed in writing with the Highway Authority.

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 in accordance with policy DM1.

2. 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 in accordance with Policy DM8.

3. 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 in accordance with policies DM9 and DM10.

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.

6. Summary of Issues

Procedural matters

This application is made under S73 of the Act to vary a planning condition on an existing planning permission, in this case condition 2 attached to permission 17/00682/FUL. The condition required the development to be carried out as indicated in approved documents.

With this type of application the local planning authority can 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 conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.

It should be noted that planning permission cannot be granted under S.73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. 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.

Planning merits

As with any planning application, the starting point is the development plan, in this case the Brentwood Replacement Local Plan 2005. 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 are the National Planning Policy Framework 2019 (NPPF), National Planning Practice Guidance (NPPG) and in this case the planning history including the extant permission for two dwellings permitted in 2017. 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.

Character, appearance and residential amenity

Policy CP1 is supportive of 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 character of the area is part residential, part commercial just off Kings Road. The residential properties date from around the turn of the C19th and C20th century, are sited close to the highway and have no off street parking. Adjacent commercial uses are of a completely different scale and have their own off street parking.

The proposed development uses a typology similar to the pair of dwellings permitted in 2017. The key difference is the omission of the parking spaces – previously one space was to be provided for each dwelling. Under this application no off street parking is proposed.

The creation of accommodation in the roofspace and provision of rooflights front and rear would not have a significant effect on the street scene or neighbours. Likewise, the effect of the minor sideways repositioning of the building on the site to clear a right of way would be neutral. On that basis the changes to the appearance of the scheme are acceptable, the building does not raise concerns about residential amenity and is CP1 compliant.

Parking

The car parking standards adopted by Brentwood are the Essex County Council Parking Standards 2009. These indicate general levels of parking provision for different forms of development across the borough. The standards indicate that reductions in car parking provision may be appropriate if a development is in an urban area, including town centre locations, that has good links to sustainable transport. In such locations car free developments may be acceptable depending on the merits of the case.

This section of King Edwards Road has a combination of parking controls – yellow lines and residents permit parking – that would prevent future occupiers of these properties from parking on the highway in an uncontrolled manner. With the removal of the need to provide access to off street parking for this development it may possible to extend the residents parking zone further along the road, for example in front of the site, though that is not a matter for the planning authority. In the event of planning permission being granted for the development the landowner (the Borough Council) may wish to pursue this matter. Even in the absence of such parking, this site is close to the station and bus routes and it is considered that this is an appropriate location for this type of small development to be car free. To that extent the proposal complies with Policy CP1 and with policy T5. The highways authority is supportive of this approach and has raised no objections.

Two of the three conditions requested by the Highways Authority are already part of the permission. With regard to cycle parking, the arrangements approved in 17/000682/FUL relating to cycle storage being provided in sheds to the rear and hard standing areas being allocated for refuse and recycling are retained.

In summary, the changes proposed in this application in comparison to the extant permission are considered to be acceptable.

7. Recommendation

1 Development in accordance with drawings

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

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

2 This permission only relates to the variation of condition 2 of the permission granted under reference 17/00682/FUL and all other conditions, i.e. conditions 1 and 3 to 9 of that permission shall continue to apply in full unless otherwise discharged.

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

Informative(s)

1 INF02 Reason for approval (objections)

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

2 INF04 Amendments to approved scheme

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

3 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, T5, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

4 INF21 Approved Without Amendment

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

5 With regard to condition 2 above, conditions 1 and 3 to 9 of the permission granted under reference 17/00682/FUL are as follows:

1 *TIM01 Standard Time - Full*

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

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

3 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 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 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.

o 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.

o 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 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.

6 Highway Informatives

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
- SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

BACKGROUND DOCUMENTS

DECIDED: