

SITE PLAN ATTACHED

11 STOCKS LANE, KELVEDON HATCH, BRENTWOOD, CM15 0BL

VARIATION OF CONDITION 2 FOR APPLICATION 18/01908/FUL (DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2 X SEMI-DETACHED DWELLINGS AND 1 X DETACHED DWELLING) TO AMEND DESIGN TO PLOT A AND CHANGES IN SITE LEVELS (RETROSPECTIVE)

APPLICATION NO: 20/00567/FUL

WARD	Brizes & Doddinghurst	8/13 WEEK DATE	30.06.2020
PARISH	Kelvedon Hatch	Ext. Of Time	tbc
CASE OFFICER	Brooke Pride		
Drawing no(s) relevant to this decision:	3871_PL10D; 3871_PL07E; 3871_BR02D; 3871_PL01;		

The application has been referred to the Committee at the request of Councillor Poppy for the following reason(s):

- The proposal complies with the planning policies set out within the Development Plan documents and supplementary planning documents, however the application should be debated given they have built to different plans to they which were given permission.

1. Proposals

This application relates to the variation of condition 2 (to be carried out in accordance with approved drawings) of application 18/01908/FUL, to amend the design to plot A, changes in proposed site level and to assess any other changes from the approved plans.

2. Policy Context

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria

Local Development Plan 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The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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 Local Plan Pre-Submission (Publication Draft) 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. However, as the plan has yet to be inspected at the Examination in Public it is currently considered that it has limited weight in the decision making process.

National policy and advice

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

3. Relevant History

- 18/01908/FUL: Demolition of existing dwelling and construction of 2 x semi-detached dwellings and 1 x detached dwelling. -Application Permitted
- 18/01908/COND/1: Discharge of conditions 8 (Construction Method Statement), 15 (Tree Report) of application 18/01908/FUL (Demolition of existing dwelling and construction of 2 x semi-detached dwellings and 1 x detached dwelling). – Application Permitted
- 19/01181/FUL: Variation of Condition 2 of Application 18/01908/FUL (Demolition of existing dwelling and construction of 2 x semi-detached dwellings and 1 x detached dwelling) to change the colour of the approved timber cladding. – Application Permitted

4. Neighbour Responses

Two objections have been received for this application:

- The application also relates to amending the front gable. We object to this as the developers haven't built to the specifications of the plans passed. The edge of the gable we believe is actually in the correct position at appx 1561mm, it is the flank wall that isn't in the correct position, it should be flush with the gable again at appx 1561mm as per the plans passed. We have had this professionally measured from the centre of the red line on the plans to be fair to both parties i.e. the developer and ourselves and it measures 1561mm.
- We were of an understanding, although we could be wrong, that in respect of a 2 storey element, that the guidance within planning policy (Appendix 5 of the Brentwood Replacement Local Plan 2005) states that normally a distance of NOT LESS than 1 metre will be acceptable to the common boundary.
- We object to a new drawing 3871_BR02D being added as we believe it appears to be more or less a replica of a drawing 3871_BR02A (that has never been passed).
- I am concerned the increase in ground level will lead to flooding into my property and has adequate drainage been installed.
- As for the ground levels in the rear garden they have always been the same as the surrounding properties, i.e. No.9 Stocks Lane. The ground levels we believe have only risen due to some of the clay from the footings being dumped in the rear gardens and not cleared. This could cause future drainage problems to the surrounding gardens and properties. We can provide photos of this if necessary.
- Please also note the boundary lines between 9 Stocks Lane and 11 Stocks Lane on drawing 3871_BR02D appear to kick out at an angle at the front appearing to follow the hoarding the developers have erected and not the fence line that has always been there, again it appears to kick out at the rear, yet all the other drawings passed show a straight boundary line.

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/>

5. Consultation Responses

- **Parish Council-** No comments received.
- **Affinity Water-** No comments received.

The full version of each consultee response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

6. Summary of Issues

Procedure

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 18/01908/FUL. The condition requires the development to be carried out as indicated in approved documents, i.e.:

“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.”

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 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 is 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.

The starting point for determining an application 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) 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 listed in section 2 above.

Background

The application site is on the north side of Stocks Lane. It was formerly occupied by a single chalet bungalow dating from the 1960's. This has been demolished and the redevelopment of the site is underway consisting of a pair of two storey semi-detached two storey dwellings to the left hand side and a two storey detached dwelling to the right.

It became apparent that the development was not being carried out in accordance with the approved drawings and officers contacted the developer. The current application

seeks to regularise matters by varying condition 2 of the planning permission to allow the development to be completed in accordance with a set of revised plans. Therefore, the principle of the redevelopment is not at issue; consideration relates to the differences between the proposal and the approved schemes.

A comparison between the previously approved and now built development in terms of proximity to the common boundary with No.9 has been carried out. Measurements have been taken at four points and from the plan 3871_PL07D compared with 3871_PL07E. Measurements are from the flank wall and the inner edge of the red outline:

Measurement Point	Approved	As Built
Front corner of dwelling	1300 mm	1100 mm
Middle (ridge line)	1200 mm	1000 mm
Back corner of dwelling at two storey	1100 mm	900 mm
Back corner of dwelling at single storey	1000 mm	850 mm

The changes in the distance from the boundary are between 150mm to 200 mm closer to the boundary and are minor. The neighbour has drawn attention to the guidance in Appendix 5 of the 2005 Local Plan relating to house extensions. This indicates that extensions of greater than a single storey will not normally be permitted closer to the boundary than one metre. Strictly this does not apply here as the proposal is not for an extension but to a new dwelling. However, even applying the same principles to a new dwelling the above table indicates that a one metre gap is achieved until at least the ridgeline of the dwelling. Given that this standard is applied to avoid terracing and the slightly greater than standard distance is achieved up to ridgeline of the dwelling, the effect of not maintaining that distance the full way into the site, this minor shortfall from the standards is not considered to be harmful. Furthermore, as with all guidance it is not an absolute requirement to be required in all cases.

The proposal does not extend beyond the rear wall of the neighbouring dwelling at two storey level, provides screening between the two dwellings and it is not considered the changes in proximity to the boundary would result in a materially changed or harmful impact upon the living conditions of the neighbouring occupiers byway of overbearing impact, loss of privacy or loss of light. The proposal is compliant with policy CP1 (ii) of the local plan.

The alterations to the design of the pair of semi-detached dwellings includes moving the front feature gable into the site, away from the flank wall by approx. 500 mm. The proportions of the gable remain the same and the re-positioning of the front gable away from the boundary would not result in the dwelling having a detrimental impact on the amenity of the neighbour or the character and appearance of the surrounding area. As such the altered position of the front gable is considered acceptable and no objection is therefore raised in terms of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

The proposed elevations also show a reduced overhang of the eaves nearest the neighbouring dwelling No.9 as now constructed and on the opposite side adjacent to the detached dwelling slightly wider. It is considered the alterations to the overhangs are minor, are in keeping with the design of the dwelling and do not result in a harmful impact upon the living conditions of the occupiers at No.9 or surrounding the site by way of overbearing impact, loss of privacy or loss of light.

Site Levels

The site levels have been altered and changes are shown on submitted plan 3871_BR02D. The levels have been reduced by a small amount to the front half of the application site. The differences are of the order of 150-200mm. It is not considered that this reduction in site levels to the front of the site is significant or harmful to the character of the area or the impact upon the surrounding neighbours.

The rear lawn as indicated on plan 3871_BR02D would be 120 mm to 300mm higher than before, which is not considered likely to lead to overlooking or loss of privacy to the surrounding occupiers of the site. The combination of the slight raising at the rear or lowering the front of the site are unlikely to result in issues such as flooding of adjacent properties. Therefore, the minor changes in site levels are acceptable.

Other Matters

When considering this application, officers have become aware that there are other differences between the approved and partially completed development and some of these have not be shown in this application. These include the following:

- The rear dormer to the pair of semis is narrower than approved
- The rear dormer window to the pair of semis comes up from the main rear wall rather than through the roof behind the eaves
- The roof height of the rear single storey element is higher
- The rear single storey element has parapets each side
- The detached dwelling has a single storey element that has gained parapets to the side
- Changes to rear fenestration on ground and first floor of the detached dwelling

These have been raised with the applicant and accurate drawings requested. At the time of writing this report the drawings have not been received. However, the variations identified by officers appear to be acceptable, apart from the loss of the eaves adjacent to the rear dormer which should be reinstated, though this will be judged when the full set of drawings are received.

The street scene drawing is inaccurate regarding the neighbouring property (number 9) - its proportions, position relative to the common boundary and heights of its features relative to the proposed development are incorrectly shown. However, as has been explained at committee in the past, street scenes require some caution when viewing,

particularly when, as appears to have been the case here, they are not based on a survey of land outside the applicants control.

Conclusion

Subject to receiving a corrected set of drawings prior to issuing a decision, incorporating the variations identified above, the proposal is compliant with policy CP1 of the local plan, the NPPF and the NPPG and therefore recommended for approval.

6.0 RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

1 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 18/01908/FUL and all other conditions, i.e. conditions 1, and 3 to 15, 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 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 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1; National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3 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.

4 With regard to condition 2 above, conditions 1, and 3 to 15 of the permission granted under reference 18/01908/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 (ie 8 March 2019).

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 WIN03 Obscured glazing (on drawings)

The windows identified on the approved drawings as being obscure glazed 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 window(s) 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.

4 U29105

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) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of future occupiers

5 U29106

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 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.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings.

6 U29107

The height of the two semi-detached dwellings shall be no higher than the overall height of the neighbouring dwelling No.9 hereby permitted and adjacent buildings shall be as indicated on the approved drawing.

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

7 U29108

The eaves height of the detached dwelling shall be no more than 0.3 metres higher than the bungalow at No.17 as shown on the permitted drawings.

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

8 U29109

No development shall take place, including any ground works or 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. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy T2 of the Brentwood Replacement Local Plan.

9 U29110

Notwithstanding the details on the planning drawing 3871_PL07D, prior to first occupation; the proposed two new vehicular accesses shall each be constructed at a width of 4.5 metres. The existing access shall be extended to a maximum of 4.5 metres. Each access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway. Full details to be approved in writing by the local planning authority.

Reason: To ensure that vehicles can enter and leave the carriageway in a controlled manner in the interest of highway safety in accordance with policy T2 of the Brentwood Replacement Local Plan.

10U29111

No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the back edge of the carriageway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Brentwood Replacement Local Plan.

11 U29112

There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy T2 of the Brentwood Replacement Local Plan.

12 U29113

Notwithstanding the details on the planning drawing 3871_PL07D, the proposed new boundary planting shall be planted a minimum of 1 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 and in accordance with Policy T2 of the Brentwood Replacement Local Plan.

13 U29114

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T2 of the Brentwood Replacement Local Plan.

14 U29115

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation 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 for each dwelling.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the Brentwood Replacement Local Plan.

15 U29116

No development shall be undertaken until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning

Authority. The statement should provide specific details of the protective fencing, the construction of the driveways within the root protection area and the installation of services.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.”

BACKGROUND DOCUMENTS

DECIDED: