

SITE PLAN ATTACHED

8A HAREWOOD ROAD PILGRIMS HATCH BRENTWOOD ESSEX CM15 9PD

INSTALLATION OF PLANT TO REAR YARD AREA AND 2.1 METRE HIGH TIMBER FENCE ENCLOSURE

APPLICATION NO: 22/01523/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	27 December 2022
CASE OFFICER	Mr Daryl Cook		
Drawing no(s) relevant to this decision:	3614-PL-04B; CR3 (A0)/REV 03; 3614-PL-05C; Plant Noise Impact Assessment Report (89793/NIA/Rev5);		

1. Proposals

Planning permission is sought for the installation of plant to the rear yard area to be enclosed by a 2.1m high timber fence enclosure at 8A Harewood Road, Pilgrims Hatch, Brentwood.

The building and surrounding curtilage is owned by Brentwood Borough Council. The application is therefore to be determined by the Planning & Licensing Committee.

2. Policy Context

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

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 At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Policy BE14 Creating Successful Places

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

3. Relevant History

- 21/00269/BBC: Removal of internal partitions between existing shops to create one single shop with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings – Committee Approval
- 21/01018/BBC: Installation of plant to rear yard area and 2.5 metre high close boarded timber fence enclosure. – Committee Approval
- 21/01019/ADV: 1 x Co-op Fascia sign with halo illuminated logo and non-illuminated lettering, 2 x Co-op non-illuminated fascia signs, 1 x Post Office non-illuminated projecting sign, 1 x Post Office non-illuminated Service Menu Board and 2 x Co-op logo externally illuminated (trough light) projecting signs. – Committee Approval
- 21/00269/NON/1: Non material amendment to application 21/00269/BBC (Removal of internal partitions between existing shops to create one single shop with alterations to shop fronts, installation of a ramp to the rear elevation, raise flat roof to the rear of the store and minor alterations to include the infilling of existing openings) for the removal of ramp to the rear of the building. – Pending Committee Decision

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. At the time of writing this report, no neighbour representation has been received for this application.

5. Consultation Responses

- **Environmental Health & Enforcement Manager (07.12.22):**

I refer to your memo in connection with the above mentioned application and would make the following comments.

I have reviewed the acoustic assessment carried out by Noise Solutions Ltd dated 12th February 2021.

The impact of proposed plant noise at the site was assessed using BS 4142:2014. Calculations to determine the predicted rating levels of the sources is shown in Table 5, all results are shown to be below the existing background level.

Therefore, the proposed plant is acceptable and will not adversely affected the nearest sensitive receptors by way of noise.

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.

Planning permission is sought for the installation of plant to the rear yard area to be enclosed by a 2.1m high timber fence enclosure at 8A Harewood Road, Pilgrims Hatch, Brentwood.

The main issues which require consideration as part of the determination of this application are:

- Impact of the proposal on the character and appearance of the area.
- Impact of the proposal on the amenities of neighbouring dwellings occupiers.

The building and surrounding curtilage is owned by Brentwood Borough Council. The application has therefore been referred by officers to Planning & Licensing Committee for members consideration.

Site context

The application site comprises the rear yard of the row of shops (Use Class E) which are situated on a corner junction shared with Clarence Road and Harewood Road.

The application before the committee, in summary, seeks to amalgamate the AC units which were on the rear wall of the building as part of the earlier application to the rear plant area with the location (red outline) and size of the area differing necessitating a new full application to be submitted.

Design, Environmental Health and Neighbour Amenity considerations

Policy BE14 seeks to create successful places ensuring new development meets high design standards (including materials) and delivers safe, inclusive, attractive

and accessible places. Proposals should respond positively and sympathetically to their context building upon existing strengths and characteristics and, where appropriate, retain or enhance existing features which make a positive contribution to the character, appearance or significance of the local area (including natural and heritage assets). Proposals should also protect the amenities of future occupiers and neighbours living conditions, provide suitable parking provision and refuse/recycling points whilst mitigating the impact of air, noise, and other pollution. The preamble text for policy BE14 identifies that the Essex Design Guide (EDG) is a useful starting point for a development.

The proposed plant and fencing (2.1m high) would be located to the rear of the building. The height of the fencing would provide both additional and substantial screening from the public realm of the plant which is proposed although it is marginally lower than previously (400mm) given the proximity to the boundary.

The positioning and amount of the plant being proposed is considered to be reasonable and proportionate in respect of the alterations to the building as a whole to enlarge the existing Co-Op. The works are not considered to give rise to a detrimental impact upon the character, appearance and visual amenity of this area as a result.

In respect of neighbour amenity, the plant would be offset from the common boundary shared with the neighbouring dwellinghouses. The proposed fencing would provide sufficient screening which is considered to ensure the proposal would not give rise to an overbearing form of development.

Overlooking and loss of privacy considerations are not relevant here given the nature of the proposal.

In terms of noise and general disturbance, a noise impact assessment accompanies the proposal which has been reviewed by the Councils Environmental Health department. In summary, their revised comments outline that the impact of the plant to be acceptable given the measures proposed including screening. Sufficient distances are retained from the boundaries to avoid a material impact upon the amenities of neighbouring dwellings to the north along Balmoral Road (Nos 11 through 15 [odds]) and the one to the east, No.10 Harewood Road. Therefore, it is considered the impact is mitigated and any effect would be acceptable.

In respect of maintenance of the plant, it is reasonable to expect the developer to ensure the ongoing servicing of the units for efficiency and compliance with other legislative requirements in relation to food handling; an informative will be brought to the applicant's attention.

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

Conclusion

The proposed development, for the reasoning outlined above, is considered to be compliant with policy BE14 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.

Informative(s)

1 INF01

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below.

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 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).

4 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.

5 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>

6 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.

7 The air conditioning and refrigeration units, which are part of the rear plant, should be regularly serviced, ensuring they are well maintained to avoid unanticipated tonal or impulsive noise.

BACKGROUND DOCUMENTS

DECIDED:

