

SITE PLAN ATTACHED

06. 134 HIGH STREET BRENTWOOD ESSEX CM14 4AT

DEMOLITION OF EXISTING DETACHED BUILDING AND CONSTRUCTION OF NEW THREE STOREY BUILDING CONTAINING SIX FLATS.

APPLICATION NO: 14/00885/FUL

WARD	Brentwood West	8/13 WEEK DATE	10.09.2014
PARISH		POLICIES	NPPF NPPG TC5 CP1 H17 T2
CASE OFFICER	Charlotte Allen		01277 312536
Drawing no(s) relevant to this decision:	AERIAL PHOTOS ; 1143 PL06 ; 1143 PL07 ; 1143 03 ; 1143 01 ; 1143 02 ; 1143 PL08 /B; 1143 PL01 /B; 1143 PL02 /B; 1143 PL03 /B; 1143 PL04 /B; 1143 PL05 /B;		

This application was referred by Cllr Russell from Weekly Report No 1657 for consideration by the Committee. The reason(s) are as follows:

Believe it contravenes CP1, size and bulk will cause harm to nearby properties and cause overlooking as well as cause nuisance by way of disturbance.

Update since publication of Weekly List 1657

This application was deferred from the previous Planning and Development Control Committee for further information and amendments to the scheme. Following this deferral, the Agent has provided the following additional information:

- Existing plans, including elevations demonstrating changes in site levels.
- Proposed streetscene elevations which show the land levels
- Sight lines have been shown from the proposed rear balconies showing potential oblique overlooking.
- Aerial photos of the existing site have been provided.

The changes proposed compared to the plans previous submitted include:

- Car parking spaces to be reduced in size to 5m x 2.5m to allow a hedge to be provided between the parking spaces proposed and the garden of No.136 to provide some additional screening.
- The distance between the flank wall of the new building and boundary to No.136 has been increased from 1m to a minimum of 1.2m.
- The rear balconies closest to No.136 have been omitted from the plans.
- A fence on the boundary of No.136 has been shown which measures 1.8m in height with a 0.3m high trellis above.

Officers consider the proposed amendments to be satisfactory:

- A level of oblique overlooking is to be expected in urban areas and cannot be wholly mitigated, even by condition. However, the nearest balconies to the rear have been removed and the sight lines shown from the retained rear balconies indicate that there will be only minimal oblique overlooking from the rear balconies to the very end of No.136's rear garden.
- The parking spaces are now located further from the boundary with No.136 and a hedge between the parking spaces and the garden of No.136 is now proposed further reducing any possible noise and disturbance to No.136.
- The Agent has moved the new building a further 0.2m away from the common boundary with No.136 following the concerns raised. Even though design guidance only requires a 1m isolation space, 1.2m is now proposed.
- The proposed fence on the boundary would provide adequate screening from the ground floor windows facing No.136 as the fence would be 1.8m above the finished floor level with the trellis over.
- The proposed fence will provide adequate screening between the proposed car park and No.136.

Officers therefore recommend that the application is approved.

1. **Proposals**

Planning permission is sought to demolish the existing single dwelling on the site and to construct a new building of 6 residential flats over three floors; with 4x 2-bed flats and 2 x 1-bed flats. 6 parking spaces will be provided to the rear of the site with bin and cycle storage with the ground floor flats benefiting from a private garden area and the other flats having balconies and access to a communal garden at the front of the site.

2. Policy Context

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

H17 -Dormer Windows

T2 - New Development and Highway Considerations

TC5 - Type of Accommodation

3. Relevant History

- 13/00612/FUL: Proposed change of use from mixed use residential and commercial to D1 non-residential institution (nursery); together with associated works including the demolition of the existing garage, renovation of boundary treatments; and closure of existing cross over and construction of two new cross overs -Application Refused
- 12/00971/FUL: Change of use from existing mixed use residential and commercial use to non-residential institution (Nursery) D1 -Application Refused

4. Neighbour Responses

17 neighbour letters were sent out and a site notice displayed. 4 letters of objection which make the following comments:

- Site is not vacant and tenant unaware of application.
- Detrimental to surrounding area and out of scale and existing house has character.
- Proposal would not create housing for more people than currently.
- Impact on neighbours standards of living.
- More apartments would change the visual impact of the area.
- Loss of view.
- Site is not large enough; replaces a property of substantially smaller footprint with gardens; density too high.
- Insufficient parking; already parking issues in area.

- Why can't the existing building be converted? Should be scaled down.
- Impact health and wellbeing of residents.
- Affect property values.
- Overlooking and loss of privacy; windows (including kitchen windows) and balconies
 - Loss of light
 - Overbearing due to size and scale.
 - Noise and fumes and noise from car park which was previously a garden.
 - Closer to the boundary than the existing dwelling; overbearing.
 - Contravenes planning policy
 - Disturbance with people using the side access.
 - Close to Conservation Area

5. Consultation Responses

• Highway Authority:

The Highway Authority would not wish to raise an objection to the above application as shown on Drawing No. PL04, subject to the following condition being attached to any approval; given the existing dwelling and its access, the town centre location and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwelling.

1. The development shall not be occupied until the proposed vehicular access has been constructed at right angles to the carriageway in Westbury Road in accordance with Drawing No. PL04 and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

2. The development shall not be occupied until the existing vehicular access located to the south of the site has been suitably and permanently closed, incorporating the reinstatement to full height of the kerbs and footway in accordance with the terms, conditions and specification of the Highway Authority, Essex County Council.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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 DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The development shall not be occupied until, with the exception of street furniture, the vehicle access to the site at the centre line, have been provided with clear to ground sight splays of 2 metres x 20 metres in either direction to the compass point, as measured from and along the nearside edge of the carriageway in Westbury Road. These sight splays shall be provided before the access is first used by vehicular traffic from the development and retained free of any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between the vehicles using the access and those in Westbury Road in the interest of highway safety.

6. 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, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

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 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- **Arboriculturalist:**

14/00885/FUL no trees shown

- **Historic Buildings And Conservation Officer:**

Proposal

Demolition of existing detached building and construction of new three storey building containing six flats.

Discussion

Thank you for consulting on the above application having reviewed the submitted information please find my comments as follows:

The site is located at the junction of Westbury Road and High Street Brentwood. Pre-application advice regarding design has been given to the applicant, my previous concerns were regarding fenestration upon the rear elevation; it is evident amendments have been undertaken prior to this submission which are an improvement to the scheme at this location.

Overall I advise the proposed architectural style to be of good proportion within this urban location at the edge of the Town centre; the material intent would not be overtly incongruous and makes reference to the domestic architecture within the local area. I have no further objections on design grounds

Recommendation

Consequently I recommend approval.

- **Environmental Health & Enforcement Manager:**
No objection.

6. Summary of Issues

The application site is located on the southern side of High Street on the corner with Westbury Road. The site is allocated for residential purposes in the Local Plan and as such the main considerations in this case are the principle of the development, design, residential amenity, living conditions and parking and highway considerations:

Principle

The site is located within an area designated for residential purposes and as such the development of the site for residential purposes is acceptable in principle, subject to other considerations such as design, residential amenity and parking considerations.

Policy TC5 states that all new housing within the Town Centre inset plan area should be in the form of one or two person units and as such the provision of one and two bedroom flats is acceptable in this location. The NPPF also encourages the effective use of land and as such the principle of the proposal is acceptable in terms of National and Local Planning Policy.

Design

The Council's Design and Historic Buildings Consultant has raised no objection or concerns with regard to the impact of the proposal on any heritage assets. Suggestions made during the pre-application discussions have been responded to in the final design. Based on the comments of the Design Office, the overall the architectural style is of good proportions within this urban location at the edge of the Town Centre; the material intent would not be incongruous and makes reference to the domestic architecture within the local area and the design is supported and considered to be acceptable.

As such the overall design, style and materials are considered acceptable. A number of dormers are proposed, however, the dormers maintain roof verges above, below and to the sides and the dormers proposed facing No.136 would not all be visible from

the streetscene. It is not considered that the dormers proposed would dominate the roof space or materially harm the character of the area. No objection is therefore raised in this regard in terms of Policy H17 of the Local Plan.

In terms of the siting of the building, the proposed building has a similar front building line as the existing building on the site. Whilst the proposal seeks to increase the width of the building, with the replacement dwelling located closer to Westbury Road and further forward of the return building line, given the separation between the front elevations of 43-47 Westbury Road and the flank elevation of this proposal and given the relationship between No's 10 - 4 Westbury Road on the opposite side of the road it is not considered that the siting of the new building would result in any significant or demonstrable harm to the character or appearance of the area.

In terms of size and scale, the proposed new building is similar in scale to the existing dwelling on the site; whilst the proposed new building is wider, it has a similar depth to the existing structure and the proposed building would not exceed the height of the adjoining dwelling; No.136 High Street. As such the size and scale of the new building is also considered acceptable.

The bin and cycle store building is fairly prominently located but designed to resemble a residential detached garage, which are common features in residential areas; it would be partly screened by the landscaping shown within the private amenity area to flat 1. The car park to the rear of the site is also not of any particular visual merit, however, conditions can be imposed requiring the hard and soft landscaping to be approved by the local planning authority prior to the commencement of the development in this regard.

Subject to conditions no objection is therefore raised in terms of Chapter 7 of the NPPF or Policies CP1(i), CP1(iii) or H17 of the Local Plan.

Residential Amenity

In terms of overlooking, the windows that overlook High Street and Westbury Road would overlook the public realm and as such would not result in any undue overlooking or loss of privacy. The rear windows overlook the car park area and would be located some 17.5m from the rear of the site and as such would also not result in any material overlooking, especially considering that there are already rear windows to the existing dwelling.

To the west, windows are proposed in very close proximity to the adjoining dwelling at No.136 High Street which serve bathrooms, en-suites and kitchen/diners. The ground floor windows in this flank elevation could be significantly screened by standard boundary treatments and the en-suite and bathroom windows could be conditioned to be obscure glazed with limited openings to mitigate any overlooking. However, the kitchen/diners are spaces which could be occupied for more significant lengths of time than a bathroom and could be used for extended periods whilst eating and as

such it is preferable to have these windows clear glazed so as to result in no undue harm to the living conditions on the future occupiers of the flats. To do so would have the potential to result in overlooking to the adjoining resident, especially considering that the adjoining resident has existing windows in the flank elevation facing the application site.

Therefore, a condition for these windows to be obscure glazed with limited openings is considered necessary; such a condition would not result in such significant or demonstrable harm to the living conditions of the occupier. As such subject to conditions requiring suitable boundary treatments to the ground floor side windows facing No.136 and all first and second storey westerly flank windows to be obscure glazed, the proposal complies with relevant Local Plan Policy CP1.

In terms of overlooking, balconies are also proposed. The balconies to the front of the site would overlook the public realm and as such would not result in any undue overlooking. The rear balconies would be located over 16m from the rear of the site and would overlook the car park area and as such would not result in significant loss of privacy. The rear projecting balconies closest to No. 136 High Street have the potential to result in undue overlooking to the adjoining dwelling to the west, however, the submitted plans indicate that the rear balcony would have a 1.8m high visibility screen which would remove any undue overlooking to the adjoining resident. Subject to a condition requiring such a screen to be implemented and retained in perpetuity the proposed balconies would not result in any material overlooking.

In terms of noise and disturbance, the previous rear garden will now be utilised as a car park area which directly adjoins the garden of the neighbouring dwelling at No.136 and therefore has the potential to result in noise and disturbance to this resident. However, the car park is relatively small; providing parking for 6 vehicles and a condition can be imposed requiring a suitable fence to be erected between the car park and the adjoining garden.

It is also noted that the dwellings to the rear of the application site benefit from off-street parking in close proximity to the proposed parking area and that the site is located on the busy High Street and will already experience traffic noise. On balance it is not therefore considered that the proposed parking area would result in significant or demonstrable harm to the living conditions of the adjoining residents.

In terms of an overbearing impact the replacement building would not extend significantly beyond the front or rear of the adjoining dwelling at No.136 and has a similar relationship to the adjoining dwelling as the existing dwelling on this site, although the new building would be located some 0.5m nearer to No.136 with an isolation space of a minimum of 1m retained. The overall height of the new building will not exceed that of the adjoining resident at No.136. The proposed development would not therefore result in a material overbearing impact to No.136 when compared to the existing situation.

Living Conditions

The information provided indicates that the 2-bedroom flats will have floor area of 80 sq. m with the 1-bedroom flats having floor areas of 65 sq. m which exceeds the minimum size requirements as set out in the Local Plan. In this regard the Environment Health Officer has raised no objection to the proposal.

In terms of amenity areas the Agent indicates that flat 1 has 45 sq. m of private amenity space, flat 2 has 60 sq. m, flats 3 and 4 have 13.5 sq. m and flats 5 and 6 have 8 sq. m, a shared garden of 75 sq. m is also provided. This amount of amenity space is considered acceptable and would provide adequate living conditions to any future occupiers of the flats. The communal area to the front of the site is not ideal and may not be heavily used due to its location, however, each flat will be provided with at least a balcony providing some private amenity space to the occupiers which is positive.

A condition requiring the first and second floor kitchen/diners to be served by obscure windows would mitigate any possible overlooking.

Parking and Highway Considerations

The Highway Authority has raised no objection to the proposal, subject to conditions given the existing dwelling and its access, the town centre location and the area to be available for parking within the site which complies with the adopted parking standards. Subject to the conditions recommended no objection is therefore raised on this basis.

Conclusion

There is a requirement for obscure glazed windows within the kitchen/diner rooms however the proposal is considered to be sustainable development and accord with the relevant local development plan policy requirements, and would furthermore provide additional housing close to a sustainable location. Subject to conditions the application is therefore 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 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 MAT01 Samples (details acceptable)

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

4 BOU01 Boundary treatment to be agreed (gen)

The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 CON1 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.

6 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

7 REFU02 Prov refuse, recycling and bicycle -det

None of the accommodation hereby permitted shall be occupied until the facilities to be provided for the storage of refuse/recycling materials/bicycles (delete as necessary) have been provided in accordance with the details shown on the approved drawings. Thereafter the accommodation shall not be occupied unless those facilities are retained.

Reason: To ensure that adequate provision is made in order to safeguard the character and appearance of the area.

8 SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

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

9 U08578

The first and second storey western windows 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 windows 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.

10 U08579

The 1.8m closed balcony screen adjacent to No.136 High Street as shown on the plans shall be installed prior to the occupation of the development and permanently retained as such thereafter.

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

11 U08580

The development shall not be occupied until the proposed vehicular access has been constructed at right angles to the carriageway in Westbury Road in accordance with Drawing No. PL04 and the terms, conditions and specification of the Highway Authority, Essex County Council.

Reason: To ensure that vehicles can leave the highway in a controlled manner in the interest of highway safety.

12 U08581

The development shall not be occupied until the existing vehicular access located to the south of the site has been suitably and permanently closed, incorporating the reinstatement to full height of the kerbs and footway in accordance with the terms, conditions and specification of the Highway Authority, Essex County Council.

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.

13 U08582

The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

14 U08583

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

15 U08584

The development shall not be occupied until, with the exception of street furniture, the vehicle access to the site at the centre line, have been provided with clear to ground sight splays of 2 metres x 20 metres in either direction to the compass point, as measured from and along the nearside edge of the carriageway in Westbury Road. These sight splays shall be provided before the access is first used by vehicular traffic from the development and retained free of any obstruction in perpetuity.

Reason: To provide adequate inter-visibility between the vehicles using the access and those in Westbury Road in the interest of highway safety.

16 U08585

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, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

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: TC5, CP1, H17, T2 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.

BACKGROUND DOCUMENTS

DECIDED: