



# Agenda

## Planning and Licensing Committee

Tuesday, 25 April 2017 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 4 )

Cllrs McCheyne (Chair), Ms Rowlands (Vice-Chair), Bridge, Faragher, Mrs Hubbard, Keeble, Mrs Middlehurst, Morrissey, Mrs Murphy, Mynott, Newberry and Ms Sanders

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Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 20
3.	Minutes of the Licensing Appeals Sub Committee		
4.	Essex Police & La Plata House Ref 16/01805/OUT	Brentwood West	21 - 36
5.	Land Adjacent To Landings Ref 17/00167/FUL	Brizes & Doddinghurst	37 - 48
6.	Bentley Stables Ref 17/00198/FUL	Brizes & Doddinghurst	49 - 56
7.	Development Management Performance 2016-17	All Wards	57 - 64
8.	Local Land Charges Fees update	All Wards	65 - 70

**9. Urgent Business**

A handwritten signature in black ink, appearing to read 'P. L. Russell', with a large, sweeping underline.

Head of Paid Service

Town Hall  
Brentwood, Essex  
13.04.2017

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### Information for Members

#### Substitutes

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The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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#### Rights to Attend and Speak

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Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

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#### Point of Order/ Personal explanation/ Point of Information

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##### Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

##### Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

##### Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

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The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.



## Minutes

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### Planning and Licensing Committee Tuesday, 21st March, 2017

#### Attendance

Cllr McCheyne (Chair)	Cllr Keeble
Cllr Ms Rowlands (Vice-Chair)	Cllr Mrs Middlehurst
Cllr Bridge	Cllr Mynott
Cllr Faragher	Cllr Newberry
Cllr Mrs Hubbard	Cllr Ms Sanders

#### Apologies

Cllr Morrissey	Cllr Mrs Murphy
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#### Substitute Present

Cllr Mrs Coe

#### Also Present

Cllr Parker  
Cllr Foan  
Cllr Lockhart  
Cllr North - Kelvedon Hatch Parish Council

#### Officers Present

Philip Drane	-	Planning Policy Team Leader
Nick Howard	-	Senior Planner
Paulette McAllister	-	Design & Conservation Officer
Caroline McCaffrey	-	Development Management Team Leader
Mike Ovenden	-	Consultant Principal Officer
Jean Sharp	-	Governance and Member Support Officer
Sonia Sharp	-	Planning Solicitor
Brendan Johnston	-	Highways Representative

#### 336. Apologies for Absence

Apologies were received from Cllr Morrissey and Cllr Mrs Murphy. Cllr Mrs Coe substituted for Cllr Mrs Murphy.

**337. Minutes of the Previous Meeting**

The minutes of the Planning and Licensing Committee held on 8 March 2017 were approved and signed as a true record.

**338. Variation in the Order of the Agenda**

Cllr McCheyne **MOVED** and Cllr Mrs Rowlands **SECONDED** and Members agreed that Agenda Item 6 – Response to Highways England A12 Chelmsford to A120 Widening Scheme Consultation – be taken as the next item of business.

**339. Highways England A12 Chelmsford to A120 Widening Scheme Consultation**

Highways England had consulted on options for widening the A12 between Junction 19 (Boreham interchange north of Chelmsford) and Junction 25 (Marks Tey interchange with A120). Proposals related to widening a number of lanes and possibly building new sections of road. Views had been sought on four potential options.

In response to the consultation, a holding response had been made on behalf of the Council and was provided with the report for approval (attached as Appendix A). Although the proposals related to the consultation did not directly impact on Brentwood, it was one part of several major national infrastructure projects to invest in the A12. There were wider implications for the Borough when considering outcomes from these proposals plus other future A12 projects. It was important that the Council expressed a view about the wider strategic importance of the A12 investment projects to expand capacity and relieve congestion.

Cllr McCheyne **MOVED** and Cllr Mynott **SECONDED** the recommendation in the report and following a debate a vote was taken by a show of hands.

**FOR:** Cllrs Bridge, Mrs Coe, Faragher, Hubbard, Keeble, McCheyne, Mrs Middlehurst, Mynott, Newberry, Mrs Rowlands and Sanders (11)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY**

**To approve the response to the Highways England A12 Chelmsford to A120 widening scheme consultation as set out in Appendix A of the report.**

**Reason for recommendations**

Brentwood Borough Council's proposed response to the consultation was set out in Appendix A of the report. The response asked Highways England to consider the wider infrastructure implications that any options would have on the entire A12 Corridor and surrounding areas as a whole.

The Council had a specific interest in the stretch of A12 south of Chelmsford, which flowed through the Brentwood borough before it reached the M25 junction 28 (Brook Street). As the Council was at an important stage in the plan-making process, which included meeting challenging development and infrastructure needs, it was important that congestion was reduced between the A12 and M25 in order to facilitate economic growth in Essex.

Brentwood Borough Council was not directly impacted by the proposals north of Chelmsford and so no preference was expressed with regard to the four options. However, the response had set out support for the need to create additional capacity along this section of the A12, and asked that Highways England did so whilst also considering the need to improve capacity and junction safety on the rest of the A12. It was critical that development proposals were mindful of the need for future works south of Chelmsford as well as proposals at M25 junction 28.

**340. Leverton Hall, Dark Lane, Warley, Essex, CM14 5LL, Applications Nos: 16/00999/FUL and 16/01000/LBC**

Mr Fryett, on behalf of Great Warley Conservation Society, was present and addressed the committee. He advised that whilst the Society supported the proposed development scheme, their concern was for the effect the additional traffic would have on those using the already hazardous Dark Lane including drivers, pedestrians and horse riders and requested an improved traffic scheme be considered.

Mr Barrett, a resident of Dark Lane, was present and addressed the committee. He supported the proposed development but also expressed grave concern about current traffic issues in Dark Lane which would be exacerbated by additional traffic emanating from the development.

Mr Firth, the Agent, was also present and addressed the committee in support of the application.

The Planning Officer explained that it was recommended that the opinion of an independent assessor be accepted in that the nature of this scheme made it unviable for a contribution towards Affordable Housing to be made but instead an adjustment to some of the sizes of the housing units is proposed.

Councillor Hubbard expressed her concern and desire that any right-hand turns for vehicle exiting the site be discouraged. Secondly, her heritage desires and hope that the terracotta wall plaques and outer garden wall will be retained along with a Plessy commemoration or plaque. Thirdly, she hoped that the conditions will provide for the adequacy of the drainage culverts.

After a full discussion, a motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Mrs Rowlands to **APPROVE** applications 16/00999/FUL and 16/01000/LBC, a separate vote to be taken on each application.

A vote was taken by a show of hands on application **16/00999/FUL**.

FOR: Cllrs Bridge, Mrs Coe, Faragher, Hubbard, Keeble, McCheyne, Mrs Middlehurst, Mynott, Newberry, Mrs Rowlands and Sanders (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that application **16/00999/FUL** is **APPROVED** subject to the conditions set out below also the planning officer agreeing an additional condition with the Chair, Vice Chair for the design of the access/junction from the site to Dark Lane to be submitted.

N.B. The latter was subsequently agreed and is listed below as condition 20.

N.B. The conditions were renumbered to correct a drafting error in the report.

A separate vote was taken by a show of hands on application **16/01000/LBC**.

FOR: Cllrs Bridge, Mrs Coe, Faragher, Hubbard, Keeble, McCheyne, Mrs Middlehurst, Mynott, Newberry, Mrs Rowlands and Sanders (11)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that application **16/01000/LBC** is **APPROVED** subject to the conditions set out below.

**Conditions for 16/00999/FUL Planning Permission:**

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 is accordance with drawings



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

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

3. DEM01 Demolition of buildings on site (green belt)

The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently be removed from the site prior to the first occupation of any part of the development hereby permitted.

Reason – In the interests of maintaining the openness of the Green Belt.

4. No Permitted Development (new dwellings)

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, G or H of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that order), the dwellings hereby permitted shall not be extended or enlarged without the prior grant of specific planning permission by the local planning authority.

Reason: To prevent a proliferation of buildings that would conflict with the policies of restraint within the Green Belt and affect the setting of the listed building.

5. RESL06 No Permitted Development 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 Schedule 2, Part 1, Class E of that Order (e.g. buildings, enclosures, swimming or other pools) shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To prevent a proliferation of buildings that would conflict with the policies of restraint within the Green belt and affect the setting of the listed building.

6. No Permitted Development for gates, walls or fences

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

(e.g. gates, walls or fences) shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To prevent the erection of gates, walls or fences that would conflict with the policies of restraint within the Green Belt and affect the setting of the listed building.

7. No meter cupboards shall be provided on the exterior of any of the dwellings unless details of the position and design of the cupboards have previously been submitted to and approved in writing by the local planning authority.

Reason: To protect the setting of the listed building.

#### 8. Materials

Notwithstanding the details indicated in the application, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, together with details of the bond and pointing of the brickwork, windows (which shall be constructed from timber) and rainwater goods 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.

#### 9. MAT04 Surfacing materials

Details of the surfacing materials of driveways and parking area shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved and construction shall be in strict accordance therewith.

Reason: In order to safeguard the character and appearance of the area and the setting of the listed building.

#### 10. Landscaping

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 and all fencing or walls. The date on which any part of the development is commenced 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.

#### 11.LAN06 Protection of Trees

All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

#### 12. LAN05 Retention of existing Trees, Shrubs and Hedges

All existing trees, shrubs and hedgerows on the site indicated for retention on the approved drawings shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. If prior to the commencement of the development or within five years of the completion of the development, any such trees, shrubs or hedges are removed without such consent, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be carried out within the first planting season after the Council's written agreement. Any works to existing trees, shrubs and hedgerows may prove necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the local planning authority prior to the carrying out of those works.

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

#### 13. Phasing

None of the new build dwellings (plots 14 to 21) shall be occupied until the works to the listed building (approved under reference 16/01000/LBC) have been occupied.

Reason: to ensure that the renovation/restoration of the listed building which is a significant benefit that weighs in favour of the overall development is carried out.

#### 14. Residential Travel Information Pack

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.

#### 15. Parking provision

The proposed development shall not be occupied until such time as a minimum of 3 visitor parking spaces for the proposed apartments have been hard surfaced, sealed and marked out in parking bays. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

#### 16. 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 route of construction vehicles to and from the site.
- ii. The parking of vehicles of site operatives and visitors.
- iii. Loading and unloading of plant and materials.
- iv. Storage of plant and materials used in constructing the development.
- v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- vi. Wheel washing facilities.
- vii. Measures to control the emission of dust and dirt during construction.
- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- ix. 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.

17. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Groundwater testing and infiltration testing in line with BRE 365. If infiltration is found to be unviable, run-off from the site should be restricted to 1l/s.
- Attenuation storage for the 1 in 100 inclusive of climate change (40%) storm event and “urban creep”.
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
- Final detailed modelling of the whole drainage network on site.
- A draining plan highlighting final conveyance and exceedance routes, location and sizing of storage features, level of outfall/s and discharge rates from the site.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

18. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

19. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. This maintenance plan shall include yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation of flood risk.

20. Notwithstanding the details shown on drawing 13797 GA 03 rev A none of the dwellings hereby permitted shall be occupied until details of the design of the access/junction from the site to Dark Lane have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The access/junction shall thereafter be retained as approved.

Reason: To discourage occupiers and their visitors from entering or leaving the site by travelling along the southern section of Dark Lane, in the interests of highway safety.

### **Conditions for 16/01000/LBC Listed Building Consent**

1. TIM05 Standard Time – Listed Building Consent

The works hereby granted consent shall be begun on or before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 1990.

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.

Conservation details

3. Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.

Reason: To protect the architectural and historic qualities of this listed building.

4. Before work begins, details shall be approved in writing by the Local Planning Authority to ensure that precautions are taken to secure and

protect the interior [and exterior] features during the building work. The agreed measures shall be carried out in full. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; staircases, balusters and handrails; windows containing historic window glass; wattle and daub infill panels; vulnerable surfaces and finishes.

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

5. Before the work begins, a Fire Safety Strategy and Method Statement shall be approved by the Local Planning Authority, and the works carried out in full according to such a Statement.

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

6. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

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

7. The new facing brickworks shall match the existing brickwork adjacent in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

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

8. Details of the abutment of the two storey rear range to the host listed building should be submitted and must be agreed prior to the commencement of any works including below ground work.

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

9. The new joinery work shall match the existing joinery in respect of materials, dimensions and profiles, unless otherwise agreed in writing by the Local Planning Authority.

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

10. Before work begins, details shall be approved in writing by the Local Planning Authority to ensure that precautions are taken to secure and protect the windows during the building work, particularly the historic window glass. The agreed measures shall be carried out in full. No such features shall be disturbed or damaged or removed temporarily or permanently to facilitate protection except as indicated on the approved drawings or with prior approval in writing. Any intact historic window glass damaged during the building work shall be reported to the Local Planning Authority and shall be replaced like for like from a suitable approved source. (Note: conventional polished plate glass will not be acceptable).

Reason: To ensure that the development is as permitted by the Local Planning Authority and for the avoidance of doubt,.

11. Before work begins, a schedule showing the retention/re-use of door/door cases/windows fireplace and surrounds, decorative plaster work, panelling, windows/doors (linings and architrave)/skirting/cornice/ironmongery and so forth, shall be approved in writing by the Local Planning Authority.

Reason: To ensure that the development is as permitted by the Local Planning Authority and for the avoidance of doubt.

12. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority. (Informative LBI 05).

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

**341. Thrushes, 15 Highland Avenue, Brentwood, Essex, Application No. 16/01398/FUL**

Mr Austin was present and addressed the committee in objection to the application.

Mr Cumberland, the Agent, was also present and addressed the committee in support of the application.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Mrs Hubbard to **REFUSE** the application under planning policy CP1 (1) and (2).



A vote was taken by a show of hands.

**FOR:** Cllrs Mrs Hubbard, Mynott and Newberry (3)

**AGAINST:** Cllrs Bridge, Keeble, McCheyne, Mrs Middlehurst, Ms Rowlands and Ms Sanders (6)

**ABSTAIN:** Cllrs Mrs Coe and Faragher (2)

The **MOTION** was **LOST**.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr McCheyne to **APPROVE** the application.

A vote was taken by a show of hands.

**FOR:** Cllrs Bridge, Keeble, McCheyne, Mrs Middlehurst, Ms Rowlands and Ms Sanders (6)

**AGAINST:** Cllrs Mrs Hubbard, Mynott and Newberry (3)

**ABSTAIN:** Cllrs Mrs Coe and Faragher (2)

**RESOLVED** that the application is **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 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. BOU05 Boundary treatment – (to be retained as shown on drawings)

A fence or wall of a height of not less than 1.8m shall be permanently retained and maintained in the position indicated on the approved drawings.

Reason: To safeguard the living conditions of adjacent occupiers.

4. MAT01 Samples (details acceptable)  
No development shall take place above ground level 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.

5. U15728  
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 safeguard the living conditions of the occupiers of neighbouring dwellings.

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. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.

8. 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 for both new dwellings, as approved by Essex County Council.

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

9. The proposed flat roof element at the rear of the proposed development shall not be enclosed or used as a balcony unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent overlooking into the neighbouring gardens in accordance with Policy CP1 of the BRLP.

10. The windows on both side elevations of the proposed development 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 which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glaze windows does not satisfy the requirements of this condition).

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

*(Cllr Bridge declared a non-pecuniary interest under the Council's Code of Conduct by virtue of his children attending schools in Sawyers Hall Lane).*

**342. Crown Corner, Ongar Road, Kelvedon Hatch, Brentwood, Essex, Application No. 16/01733/FUL**

Cllr McCheyne declared a disclosable pecuniary interest in this application under the Council's Code of Conduct and left the Chamber, taking no part in the discussion or vote on the item.

Cllr Ms Rowlands chaired the remainder of the meeting.

Miss Jennings was present and addressed the committee in support of the application.

Cllr Parker, Ward Member, addressed the committee in support of the application.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Faragher to **REFUSE** the application.

A vote was taken by a show of hands.

**FOR:** Cllrs Bridge, Mrs Coe, Faragher, Hubbard, Keeble, Mrs Middlehurst, Mynott, Newberry, Mrs Rowlands and Sanders (10)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY** that the application is **REFUSED** for the following reasons:

1. The proposal would be inappropriate development in the Green Belt that would materially detract from openness and would represent an encroachment of development into the countryside. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1, GB2 and GB19 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist.

*(Cllr Mrs Coe declared a non-pecuniary interest under the Council's Code of Conduct by virtue of shopping at Crown Corner and the applicant living within her Ward).*

### **343. Urgent Business**

There were no items of urgent business.

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The meeting ended at 9.15pm.

**Reference:** 16/01805/OUT  
**Site:** Essex Police & La Plata House  
London Road  
Brentwood  
Essex  
CM14 4QJ

**Ward:** Brentwood West  
**Proposal:** Outline application for demolition of existing police station buildings, conversion of La Plata House to residential use and development of up to 70 new residential dwellings (All matters reserved)

**Plan Number(s):**  
5148401-ATK-L-0012/B; TRANSPORT STATEMENT Revised; 5148401-ATK-L-0001/Revised; 5148401-ATK-L-0002/Revised; 5148401-ATK-L-0011/A; Site Photos/Revised;

**Applicant:**  
Mr S Curling

**Case Officer:** Mr Nick Howard

**The application is a major development of strategic importance to the Borough and therefore the application has been referred to members for a decision. The application was subsequently referred by Cllr Russell on the grounds he seeks a clear indication that there would be no access from the site onto Westbury Drive.**

## **1.0 DESCRIPTION OF PROPOSAL**

The planning application is for outline planning permission with all matters reserved. An Illustrative Masterplan has been provided to support the application and shows a development of up to 70 dwellings. The Masterplan is illustrative only and provides information on how the site could be developed. Details in relation to access, layout, appearance, scale and landscaping would have to be determined at the subsequent Reserved Matters stage, should the Committee grant outline planning permission.

The proposal involves the demolition of four existing buildings/structures within the site, as well as the removal of existing hardstanding. Existing buildings/structures that are proposed to be demolished are as follows:

Main Police Station Building – currently partly in use as offices. Located in the centre of the Site;

Detached house – located in the north area of the Site;

Garages and open shelters – currently unused. Located along the east boundary of the Site;

Single garage – located in the north area of the Site adjacent to the south of the Detached House; and

Disused air-raid shelter – located in the north area of the Site adjacent to the north east of the Detached House.

The Illustrative Masterplan shows 70 dwellings through the provision of new apartments. In addition to new build apartment buildings (3 are indicated), the proposal includes the conversion of La Plata House, which is located in the south area of the site, to residential use. The proposed development would include for the provision of 35% affordable housing on the site. To accommodate 70 residential units, the proposed apartment buildings would be between 2 and 4 floors in height.

Although access is a reserved matter, it is expected that vehicle access to the site will continue from London Road to the north. No vehicular access is to be taken from Westbury Drive.

The Illustrative Masterplan also shows car parking provision for 71 vehicles. Furthermore, the indicative layout shows the retention of most of the existing trees and hedgerows along the site boundary.

## **2.0 SITE DESCRIPTION**

The site comprises the premises of Brentwood Police Station and has an approximate area of 1.11 hectares. The site comprises a number of buildings and hardstanding associated with Brentwood Police Station. The police station is made up of the main three-storey station building positioned in the centre of the site, a smaller two-storey building at the south (La Plata House), a small garage and shelter building situated against the eastern boundary and a two-storey detached building within the north area of the site. In addition to the existing buildings, the site also comprises areas of hardstanding used for car parking.

A number of mature trees are located within the site and along the application boundary. Small areas of woodland are positioned on both sides of the site access from London Road to the north of the station buildings. The site currently benefits from an existing access point from London Road to the north, which accommodates all vehicle movements associated with the operation of the police station.

## **3.0 RELEVANT HISTORY**

- None

## 4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions.

- **Essex & Suffolk Water-**

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- **Arboriculturalist-**

No objections subject to conditions

- **Schools, Children Families Directorate-**

Letter submitted 26/01/2017. The content of the letter is set out in the assessment section of the report.

- **Design Officer-**

In Conservation terms, it is positive to retain the original host building which is of architectural merit and set in well landscaped grounds. This application is not objected to in principle. In terms of the air raid shelter reference is made to this in the assessment section of the report.

- **Essex Badger Protection Group-**

We note the comments made by Atkins Limited in their report dated December 2016, and acknowledge that no evidence of badger activity was found by that firm in the course of their investigation.

The Essex Badger Protection Group has not been afforded access to the site in question but has no record of any setts on the land itself. We cannot therefore contradict any of the commentary given in the habitat survey report. Badgers are nevertheless known to be present in the surrounding area and therefore the removal of the woodland proposed by this application is unwelcome. Whilst there are other foraging areas available to them in the vicinity, notably the nearby La Planta Grove Local Wildlife Site, any additional loss of habitat would nevertheless risk potential harm to the badgers due to ever increasing traffic and bring them into potential conflict with both existing and new residents of the area. We would therefore ask planners to negotiate with the

developers and seek to reduce the impact on the existing woodland by restricting the proposed development to the existing police station buildings where possible.

Given the existence of badgers in the wider area, any development work which is permitted should be conditional upon the site clearance being undertaken in a sensitive manner. Such works should be halted immediately should any entrance holes be discovered and advice from a suitably qualified ecologist should be sought. This advice should be referred to Council Planners and the Essex Badger Protection Group for comment and approval prior to the continuation of works. We would also ask planners to make any approved works conditional upon any excavations being covered overnight to prevent any danger to foraging badgers.

- **ECC SUDS-**

The applicant has submitted a revised drainage strategy. The revised comment from ECC SUDS will be reported verbally at the planning committee

- **Planning Policy-**

No objections- Their comments have been included in the assessment section of the report.

- **Thames Water Development Planning-**

No objection subject to conditions

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. 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/>

55 letters of objection and a petition of 16 signatures on the grounds of increased noise, loss of residential amenity, overlooking, increased traffic onto Westbury Drive, no landscaping along the eastern boundary, overlooking onto La Plata Grove, increased pressure on schools and health services, overdevelopment of the site, and the building heights should be reduced.

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.



RLP Policy: CP1, H9, H14, T2 and T5

NPPF Sections:6, 7 and Core Planning Principles.

Local Development Plan:

The Local Development Plan is currently at the 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 the plan advances and objections become 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 is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in 2018.

## **7.0 ASSESSMENT**

### Principle of the Development (Conformity with Planning Policies)

The proposals involve the demolition and redevelopment of the Police Station and associated buildings along with the conversion of Plata House to provide up to 70 residential dwellings. Whilst these proposals would result in the loss of the Police Station facilities it is understood that they would be replaced in another location within Brentwood.

The site is situated in the urban area of Brentwood and is not allocated for any specific purpose in the Brentwood Replacement Local Plan. This particular site has not previously been put forward for consideration in the emerging Local Plan. However, based on the strategy set out within the Draft Local Plan 2016 the site is likely to be considered favourably on the basis that it would represent the development of a brownfield site in a sustainable location. The site lies within the A12 corridor which along with the A127 corridor represent the main areas of growth identified in the Draft Local Plan.

With regards to housing need, the most recent monitoring report on five-year housing supply (November 2016) sets out that there is currently 2.67 years supply. Subject to compliance with relevant policies in the adopted Local Plan this site would assist in addressing the shortfall in five-year housing supply.

It is noted in the Design and Access Statement there is commitment to achieve 35% provision of affordable housing on site which is supported. This would be in conformity with the adopted and emerging Local Plan policies. The Council's SHMA part 2 report which was published in June 2016, sets out that the largest demand is for 3 bed homes

and the highest need is for affordable and social rent. The proposal therefore accords with Policy H9 of the BRLP. Overall the principle of residential development on the site is acceptable.

### Traffic Impact, Access and Car Parking

The applicants have submitted a Transport Statement in support of the outline planning application. Whilst the Highway Authority would not agree with some of the trip generation calculations provided, it is satisfied that, when fully operational, the existing permitted use of the site would generate a higher number of daily trips to the site than the proposed development.

The revised Illustrative Masterplan identifies a single access point from London Road, with no vehicular access onto Westbury Drive. A pedestrian access could be explored at the detailed stage which would allow some residents to walk from the site to the train station rather than have to use London Road.

The indicative plan indicates a reduced parking standard has been applied. 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. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment." A ratio of 1 parking space per dwelling as shown in the Illustrative Masterplan is therefore considered appropriate given the type of development and the site's location, which does have good access to frequent and extensive public transport, as well as the town centre's facilities and car parks. Overall the proposal has an acceptable access point and sufficient level of car parking provision.

### Impact Upon Ecology and Biodiversity

There are a number of trees along the boundaries of the site. The updated plan now shows no tree removal on site and the developable area has now been restricted to outside of all the root protection area. A public request has been received for a TPO which the council should consider, this could take the form of an area TPO, to be converted to a detailed individual order subsequent to planning approval.

Notwithstanding this no objections are raised, subject to conditions, retaining the trees that are intended to be retained and protective fencing around the trees during the construction period.

### Design and Layout

The site is located in an area comprising both residential and commercial uses. The site is adjoined by residential properties to the east along Westbury Drive and south along La Plata Grove. Further residential properties are located in close proximity to the north east along London Road. To the west, the site is adjoined by senior accommodation

and care home along The Beeches. Buildings associated with this accommodation on The Beeches are five storeys in height, whilst residential properties to the east, south and north east are typically 2 ½ storey and semi-detached.

The indicative plan shows a mixture of height buildings. The proposal includes the retention of La Plata House which is two storeys in height. To the south of the building are properties on La Plata Grove set at a lower level. However, the distance between La Plata House and the neighbouring properties to the south is considerable with intervening mature landscaping, which will prevent overlooking into the neighbouring properties.

The proposed building along the eastern boundary is to comprise three storeys with a link to La Plata House. The principle of three storeys along this boundary and abutting Westbury Drive would not be out of keeping with the character of the area. However, in the detailed plans, provision would need to be made that no principle windows are inserted on the eastern elevation, which would prevent overlooking into the garden of the property situated on the other side of Westbury Drive.

Turning to the main residential block, which is roughly on the footprint of the main Police Station building, the proposal is for a four-storey building with 2 three storey elements running to the east. The principle of this building would not be out of character with the area, given the building it is replacing. Careful consideration in the detailed stage would be required to ensure that future resident's privacy is not compromised when looking across the courtyard area. The eastern elevation on the northern element of this building would need careful design as this elevation would be highly visible when travelling down Westbury Drive.

The building closest to London Road is to comprise three storeys. No indication is given on the levels across this part of the site. This is important due to the presence of a large bank adjacent to the site frontage. It is noted that The Beeches are of a considerable height and the principle of three storeys along the site frontage would be acceptable subject to the proposed level of this part of the site. However, the close proximity of the eastern part of the building to the properties on London Road and Westbury Drive would need to be addressed at the detailed stage because of potential overlooking and overbearing. Overall the building height plan is generally acceptable, however due to concerns expressed in this section, officers considered this plan cannot form part of the approval.

#### Viability and Planning Obligations

The proposed development would generate a need for 6.3 Early Years and Childcare, 21 primary school places and 14 secondary school places. Within Brentwood West Ward there are nine providers of early years and childcare of which there are nine unfilled places. Therefore, due to the amount of places the development will generate the Council would not be requesting a Section 106 contribution for child care provision.

Turning to primary school provision, Holly Trees Primary School is close to capacity. The proposal would generate a significant number of primary school children which cannot be accommodated in the school at present, therefore a S106 contribution would be required and would be Regulation 123 compliant.

With regard to secondary school provision, it is anticipated that the schools can expand within the existing accommodation and therefore a developer contribution to mitigate the impact of this development would not be required on this occasion.

Overall a contribution on primary school provision would be required. The level of contribution would be based on the formula outlined in the Essex County Council's Developers Guide to Infrastructure Contributions.

### Archaeology and Historic Buildings

The site is not located within a conservation area, however the retention of La Plata House and the landscaped grounds around it are welcomed. In terms of the air raid shelter, which is proposed to be demolished, there is limited detail submitted in respect of it. Therefore a full Level 2 recording is required and a condition has been imposed.

### Other Matters

The Council have received a number of objections to the proposed development. A number of these issues have been dealt with in the assessment section of the report. Of the others, the proposal does not show any landscaping along the eastern boundary of the site. The plan is indicative only and any detailed application would show a landscaping scheme and boundary treatment along the eastern boundary. In terms of overdevelopment the proposal is for up to 70 units on a site area of 1.11 ha which represents a density of 63 dwellings/ha which is not unusually high given its location close to a town centre. Overall officers consider the objectors concerns have been addressed.

## **8.0 CONCLUSION**

The site is in a sustainable location suitable for residential development due to the close proximity of public transport, shops and facilities in the town centre, employment opportunities and public open space.

The proposed development would make a significant contribution towards meeting the immediate housing needs of the Borough. The availability of the site and its ability to deliver sustainable residential development in the short-term will contribute towards achieving the shortfall in the Council's five-year supply of housing.

The Illustrative Masterplan demonstrates that the site can accommodate up to 70 new residential units in the form of apartments. The proposed development will include on-site provision of 35% affordable housing, thus meeting the requirements of BRLP Policy

H9 and contributing towards meeting the affordable housing needs identified in the SHMA.

The recommendation is therefore to approve subject to a S106 agreement requiring a financial contribution for primary school provision.

## **9.0 RECOMMENDATION**

The Application be APPROVED subject to a S106 agreement and the following conditions: -

1. Approval of the details of the scale, layout and appearance of the buildings, the means of access and the landscaping of the site that are reserved for later approval (hereinafter called the reserved matters) shall be obtained in writing from the Local Planning Authority before the development is commenced and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. 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.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided

in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing if no Registered Social landlord involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure affordable housing in compliance with Policy H9 of the Brentwood Replacement Local Plan.

6. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of measures to enhance and, if necessary, protect the habitat of the site for badgers, and the development shall then be carried out in accordance with those approved details.

Reason: To protect any badgers during the construction phase of development

7. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

8. 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.

9. Prior to first occupation, existing vehicle accesses onto Westbury Drive shall be suitably and permanently closed with only pedestrian/cycle access to remain.

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.

10. The proposed development shall not be occupied until such time as the vehicle parking area, 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.

11. Each vehicular parking space shall have dimensions of 2.9 metres x 5.5 metres.

Reason: To prevent on-street parking, in the interests of highway safety.

12. Prior to the first occupation of the development, cycle parking shall be provided, details of which should be submitted to and approved by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity

13. Prior to first occupation, the existing bus stops on both sides of the A1023 London Road to the east of the site shall be improved to provide raised and dropped kerbs to facilitate pedestrian and wheelchair access. A Real Time Passenger Information facility shall also be provided at the westbound carriageway bus stop.

Reason: To encourage trips by public transport in the interest of accessibility

14. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport for each dwelling and 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.

15. Prior to commencement of development, a levels plan showing existing ground levels and proposed levels shall be submitted to and approved by the Local planning Authority. The approved levels plan shall be implemented in full.

Reason: In order to assess the development against the neighbouring residential properties, in accordance with Policy CP1 of the Brentwood Replacement Local Plan.

16. All existing trees, shrubs and hedgerows on the site indicated for retention on the approved drawings shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. If prior to the commencement of the development or within five years of the completion of the development, any such trees, shrubs or hedges are removed without such consent, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority. The replacement shall be carried out within the first planting season after the Council's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the local planning authority prior to the carrying out of those works.

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

17. All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

18. Before development commences a full Level 2 recording, as identified in a Guide to Good Recording Practice (English Heritage 2006), of the air raid shelter shall be carried out and submitted to and approved by the Local Planning Authority.

Reason: In order to record the historic character of the air raid shelter.



## Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H9, H14, T2 and T5; the National Planning Policy Framework 2012 and NPPG 2014.
2. 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.
3. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood CM13 3HD.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

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# Appendix A



Title : Essex Police and La Plata House, London Road

16/01805/OUT

Scale at A4 : 1:2500

Date : 25th April 2017

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**Reference:**  
17/00167/FUL

**Site:**  
Land Adjacent To Landings  
Outings Lane  
Doddinghurst  
Essex

**Ward:**  
Brizes &  
Doddinghurst

**Proposal:**  
Construction of 3 four-bedroom detached dwellings.

**Parish:**  
Doddinghurst

Councillor Parker referred the previous application on the site, which was withdrawn. Therefore, his referral has been carried forward onto this application and is on the basis that the 'reasons for refusal do not match the LDP in relation to infill sites and the closeness to a listed building'.

**Plan Number(s):**  
PLANNING STATEMENT; HERITAGE STATEMENT; 8270\_100\_00;500/11; 600/03;  
601/01; 700; 701; 800/01; 801/01; 900/01; 1000;

**Applicant:**  
Mr Lambourne

**Case Officer:** Mr Nick Howard

## 1.0 DESCRIPTION OF PROPOSAL

This is a full planning application. The proposal seeks to create three detached dwellings, which the applicant states are of a similar scale to those approved at the adjacent development of the Surgery Site and Landings. Plot One, located to the front of the site is served off an existing access and is a full two storey dwelling. Plots two and three are located to the rear of the site and are to be served from the access road for the adjacent development.

## 2.0 SITE DESCRIPTION

The application site is located on the edge of the village of Hook End, part of the parish of Doddinghurst. The site is located to the western side of Outings Lane, to the immediate southeast of the former Landings doctors' surgery and immediately northwest of the Grade II Listed Barfield Farmhouse. The site is situated within the Green Belt as defined in the Brentwood Replacement Local Plan.

The site comprises some 0.175 hectares of land, is undeveloped, with no buildings or structures on it and includes several trees, mainly along the boundaries. The plot is fairly regular in shape, with a frontage of 23m to Outings Lane and a maximum depth of 75m. The site slopes naturally from the southwest to the northeast.

### **3.0 RELEVANT HISTORY**

- 16/0727/OUT: Outline application for two dwellings: Withdrawn

The history set out below relates to the adjacent former surgery site.

- 15/00267/FUL: Demolition of former doctor's surgery and adjacent dwelling known as The Landings and construction of 6 no. detached dwellings and 2 no semi-detached dwellings. -Approve (Subject to Section 106)
- 14/00627/FUL: Demolition of former doctor's surgery and adjacent dwelling known as The Landings and construction of 5 no. detached dwellings. - Application Refused
- 13/00578/FUL: Construction of 2 No dwellings. -Application Refused
- 13/00008/OUT: Outline application for the demolition of former doctor's surgery and construction of two detached dwellings. Access, layout and scale to be determined. appearance and landscaping reserved. -Application Permitted
- 12/01280/OUT: Outline Application with all matters reserved for 2 No detached residential dwellings. -Application Permitted (Adjacent site Surgery)
- 12/00718/OUT: Outline application with all matters reserved for 3 no. detached residential dwellings. -Application Refused

### **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Parish Council-**

The Parish Council strongly objects to this application for the following reasons:

(a) The land is virgin Metropolitan Green Belt in that it has no building or structure on it whatsoever.

(b) The land proposed for development provides a "Green" space between the new development of 8 dwellings on the land that used to be a Doctors Surgery / the garden and land of "The Landings" to the North West and the adjacent listed building that is "Barfield Farm" to the South East.

(c) Whilst it will be claimed as an infill opportunity this Green belt space has been zoned as such to maintain the openness of character that is already put at risk by excessive development at the North-West end of Outings Lane by the merging together of two

previous building sites (the old doctor's surgery and the Landings) and the replacement by 8 houses in a "mini" estate type development. This existing, and in progress development, makes the preservation of this green space even more precious.

(d) Any development on this Green Belt land will create a cramped and crowded street scene especially inappropriate next to Grade 2 listed timber framed buildings that form Barfield Farm.

(e) There are no exceptional circumstances that exist that could be considered relevant to permit development of this Green Belt land.

(f) The current and adjacent development is proving how out of place and detrimental to the street scene these developments are proving to be with over bearing and over dominant houses being provided visually too close to the narrow highway that Outings Lane is.

(g) Application 16/00727/OUT for 2 x 4 bedroomed detached dwelling on this site was refused

- **Highway Authority-**

No objections subject to conditions

- **Essex & Suffolk Water-**

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- **Environmental Health & Enforcement Manager-**

No objections subject to conditions relating to hours of operation whilst constructing, minimise noise to machinery, wheel washing and no bonfires on site.

- **Arboriculturalist-**

The application states that there are no trees on site, however the 2014 aerial photographs show considerable tree cover. The trees have been removed prior to the submission of the application and the Council have not been able to assess the merits of any of the trees. If they had not been removed then a full arboriculture report would have been required.

- **Essex Badger Protection Group-**

No badger report submitted with the application. Request a condition for a full habitat survey if the Council are minded to approve the application.

- **Historic Buildings and Conservation Officer-**

Strongly object on the grounds the proposal will cause material harm to the setting of the listed building. The content of the HBC's officer's objection is addressed within the assessment part of the report.

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. 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/>

6 letters of objection on the grounds the site is within the Green Belt, potential flooding, precedent for similar development, it would mar the presence of the adjacent Grade II listed building, the lane is too narrow for a two-way flow and the site entrance is at the narrowest width of the lane.

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (BRLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies: CP1, GB1, GB2, H9, T2 and C16. The National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: CP1, GB1, GB2, H9, T2 and C16

Local Development Plan:

The Local Development Plan is currently at the 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 the plan advances and objections become 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 is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in late 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

## **7.0 ASSESSMENT**

The main issues for consideration are:

- Whether the proposal is inappropriate development in the Green Belt
- Whether there would be harm to the openness of the Green Belt
- Impact on the adjacent Heritage Asset



- Other Issues

## **Background**

In February 2016, planning permission was granted for the demolition of the former doctors' surgery and adjacent dwelling known as The Landings and construction of 6 no. detached dwellings and 2 no. semi-detached dwellings, under reference 15/00267/FUL. This development is currently under construction and abuts the application site. It should be noted that the site is within the development boundary of Hook End as defined by the BRLP.

## **Green Belt**

In contrast this application site is situated within the Green Belt as defined in the BRLP. The way in which the LPA handles new development in the Green Belt is set out in the NPPF (The Framework). All new development in the Green Belt is inappropriate development unless it represents the redevelopment of previously developed land or infill development in a village. The key issues are therefore whether the proposal is inappropriate development in the Green Belt and would it be harmful to the openness of the Green Belt and whether the proposal would affect the setting of the adjacent listed building.

The applicant considers the proposal represents infill development i.e. the site is situated between the adjacent housing site and the listed Farmhouse. The Framework in Paragraph 89 defines a number of exceptions against inappropriate development in the Green Belt, one of which is limited infilling in villages. The applicant acknowledges the site is lying outside of the defined settlement limits of Doddinghurst, however he considers the subject site is clearly part of the village by stating it is surrounded on three sides by residential properties, with the dwellings to the northwest and northeast, falling within the defined settlement boundary. The draft Local Plan proposes no change to the settlement boundaries or the Green belt boundaries in the vicinity of the site.

However, for settlements where a Green Belt boundary has been defined, the boundary usually marks the edge of the settlement where there is a break in development or a change in character to more loose-knit development. The former surgery was within the development boundary of Hook End and it was therefore appropriate for redevelopment. This site has been redeveloped for housing.

To the west of that site is the application site which comprises an open area devoid of structures or buildings. Although there are residential properties opposite the site, the character on the southern side of Outings Lane has clearly changed from an urban context to a rural character. Therefore, the proposal would compromise the purposes of the Green Belt which seeks to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The proposal would therefore represent inappropriate development and be harmful to the openness of the Green Belt. Accordingly, the proposal is contrary to Policies GB1 and GB2 of the BRLP.

In addition, officers consider that if the proposal were to be approved then a precedent for similar proposals may be achievable. The character of this area is villages or built up areas defined by settlement boundaries and beyond these boundaries in the Green Belt there is more loose knit development, comprising single dwellings or small clusters of dwellings with gaps between the settlement boundary and these dwellings. Planning approval of this scheme may lead to more speculative development that further diminishes the functions of the Green Belt.

### **Impact on adjacent listed building**

Turning to the issue of the impact the proposal would have on the adjacent listed building Barfield Farmhouse, it is considered the proposal would have less than substantial harm to the heritage asset. Paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The development site is located upon the thoroughfare of Outings Lane, immediately adjacent to the historic curtilage of the Grade II listed building of BARFIELD FARMHOUSE, List entry Number: 1197276. Barfield Farmhouse dates from the C17th, a Hunting lodge at inception, evolving to farmstead with farmhouse within a L shaped complex, to the present detached residential dwelling in the C20th.

'Hunting lodge, now house. Early C17, C18, C19 and C20. Timber-frame exposed and part brick rendered. Roofs peg-tiled. Plan rectangular containing central timber-framed block with single room on each floor and stair and symmetrical extensions to N (timber-framed, C18) and to S (brick, C20) both colour washed with hip roofs, also C19 timber outshut on N and W sides. C20 outshut along rear.....Similar hunting standings occur at Chingford, Queen Elizabeth's Hunting Lodge, and at Lodge Farm, Galleywood, on the other side of the forest of Shenfield. (RCHM: Central and SW Essex: Monument 9: 57)'

This latter part of the above list extract is evidenced further by cartographic data of the Doddinghurst Parish, here how the building has historically been experienced and characterised is illustrated, that is, it stood in open countryside with long views.

'Barfields' as it was known, presented itself as a farmstead nucleus in open countryside, it is comparable to other hunting lodges in East Anglia, this contributes to its historical significance. The building is also cited in Pevsner (Buildings of England, Essex, Bettley, 2007) under the Doddinghurst Parish further supporting its significance as a building of merit within the County.

This submission follows a recently withdrawn Outline application ref: 16/00727/OUT, which concerned proposals for 2 x four bedroom detached dwellings. The principle of development was unsupported by Conservation.

The current scheme proposes 3 x four bedroom detached dwellings immediately adjacent to the Grade II listed building of Barfield Farmhouse, a summary of its significance is set out within the opening section of this comment.

Having assessed this current application, the Historic Building Officer (HBO) strongly opposes the principle of development at this location, the land is an important buffer to the West of the historic curtilage, it contributes positively to the setting of the listed building and how such is experienced.

The heritage statement submitted as part of this application includes a comprehensive narrative with assumptions towards the evolution of the listed building. However, the HBO does not agree there is any relevant parallel with the Grade I listed building Ashdown House (cited p.3 Heritage Statement). This listed building is in Berkshire; its typology is not comparable to the Essex form of Barfield.

In addition, the HBO does not find the transformation of Barfield from a Hunting Lodge to Farmhouse in the C17th, as being significantly harmful resulting in a diminution of its character and special architectural interest, moreover this evolution remains of significance, particularly given the scattering of hunting lodges within East Anglia and their associations to The Crown, many of which were adapted in use and architectural styles.

Whilst the HBO agrees with the Heritage Statement in respect of the reduction in the open countryside setting of Barfield, the assessment does not provide commentary nor is it conclusive in respect of the impact of the proposed development upon the setting of the listed building.

The HBO advises the existing Green Belt boundary forms a clear and important function in respect of setting. The diminution of the countryside setting over recent years around the listed building, further substantiates the importance of maintaining the undeveloped buffer zone as an important contributor to the setting of the heritage asset.

In respect of the proposed design; the spread of the proposed development encroaches in both footprint and massing, and is not supported. The proposed three dwellings are set within the rectangular site. Plot 1 being at the principle frontage is some 9m in height and spreads in depth to 13m, this is accompanied by a detached garage building. It is worth noting the host listed building of Barfield is some 8m in depth and as a result of this application would become subservient in massing to the proposed dwelling; whilst the ridge height of Plot 1 is proposed to be marginally lower than the listed building, the overall massing and footprint is greater, this is not ideal.

Plots 2 and 3 are located at the rear of the proposed development plot, the siting of these forms encroach upon the south west views of the listed building, their square plan forms when elevated, evidence a marginal articulation of massing, however the scale

has been led by the adjacent development as opposed to being an architectural response to the neighbouring listed building and its setting.

The heritage statement refers to the design language proposed and discusses the materiality and narrative of the proposed forms, it does not however examine and conclude how this proposed scale, massing and spread of development impacts upon a Heritage Asset.

Overall the HBO raises an objection to this application; the site is designated Green Belt which contributes to the historical significance of Barfield Farmhouse and contributes positively to its setting. Whilst the harm caused by way of these proposals would be less than substantial, the HBO advises they would be at the high end of the scale.

### **Other Matters**

The lack of a five-year supply is not in itself considered to be a very special circumstance that clearly outweighs the harm through inappropriateness in the Green Belt and the other harm identified.

Regarding the adjacent site, the approved development included eight dwellings of which an off- site commuted sum was paid on the basis of two affordable houses. Policy H9 of the BRLP requires affordable housing on sites of 5 units or more, where the site is located outside the Brentwood Urban Area. The BRLP further states this policy will apply to sites where the proposed residential development site is contiguous with one or more other potential residential development sites. Given the current application site abuts the Landings site and there is a link road proposed from the adjacent site to serve plots 2 & 3, it is considered that the proposal is contiguous with the adjacent development site and therefore Policy H9 applies.

Since the adoption of Policy H9 the Government's written statement in 2014 announced that for developments of 10 homes or fewer, local councils would not be able to impose affordable housing contributions. Notwithstanding this the proposal is for three dwellings which added to the previously approved eight dwellings on the adjacent site, total eleven dwellings and therefore the Council can seek an affordable housing contribution.

The Council within Policy H9 seeks 35% affordable, which from 11 dwellings would provide a requirement of 3 (rounded down). Given the applicant has already provided a contribution towards 2 dwellings off site, they would either need to provide an affordable dwelling within the scheme or a financial contribution for a further dwelling. Given there is no indication of either then it is considered the proposal is contrary to Policy H9.

## **8.0 CONCLUSION**

The proposal would represent inappropriate development, in that it does not constitute infill development and it would be harmful to the setting of the adjacent listed building. The benefits derived from the scheme would not be sufficient to outweigh the harm to

the Green Belt and the setting of the listed building. Furthermore, the proposal does not provide any provision for affordable housing as required by the Local Plan.

## **9.0 RECOMMENDATION**

The Application be REFUSED for the following reasons:-

1. The proposal would be inappropriate development in the Green Belt that would materially detract from openness and would represent an encroachment of development into the countryside. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.
3. The proposed development, by reason its massing, design and close proximity to the listed building and its curtilage structures, would be harmful to the setting of the adjacent Grade ii listed building 'Barfield Farmhouse'. The proposed harm to the setting of the Listed Building outweighs the public benefit that would be derived from the scheme. The proposal is therefore contrary to Policy C16 of the Brentwood Replacement Local Plan and the provisions of the Framework.
4. The proposal does not provide any provision for affordable housing as part of the proposed scheme. The lack of affordable housing does not contribute to the significant need for affordable housing in the Borough and is therefore contrary to Policy H9 of the Brentwood Replacement Local Plan and the provisions of the Framework.

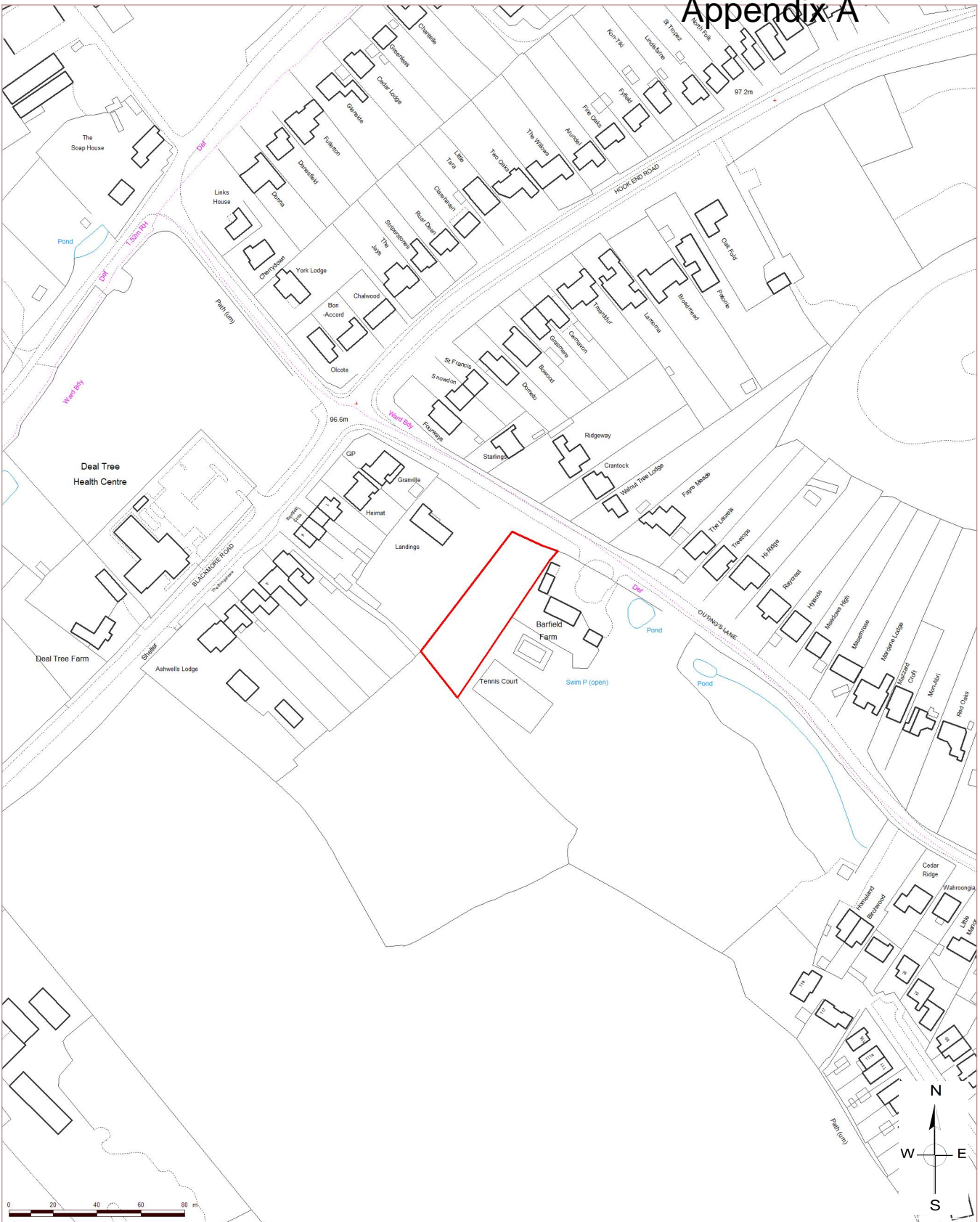
Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, C16 and T2 ; the National Planning Policy Framework 2012 and NPPG 2014
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:  
[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

# Appendix A



Title : Land adjacent to Landings, Outings Lane, Dodinghurst

17/00167/FUL

Scale at A4 : 1:2500

Date : 25th April 2017

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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**Reference:**  
17/00198/FUL

**Site:**  
Bentley Stables  
Warren Lane  
Doddinghurst  
Essex  
CM15 0JG

**Ward:**  
Brizes &  
Doddinghurst

**Proposal:**  
Demolition of existing mobile home and construction of a  
bungalow

**Parish:**  
Doddinghurst

Councillor Poppy has referred the application on the basis that the mobile home is in situ at present and the new build would be on the same footprint.

**Plan Number(s):**  
SITE PLAN; BLOCK PLAN; PS 3018 REV A;

**Applicant:**  
Mr Derek Keane

**Case Officer:** Mr Nick Howard

## 1.0 DESCRIPTION OF PROPOSAL

The proposal is for the removal of an existing mobile home and the construction of a bungalow. The proposed development would measure approximately 14m long, 5.6m high and 6.5m wide. Materials are described as facing brickwork and/or painted render and /or boarding with clay or concrete tiling. The dwelling would be in the same position as the existing mobile home.

## 2.0 SITE DESCRIPTION

The site comprises a stable block, paddock and an existing mobile home, the subject of this application. The mobile home sites between the stable block and the paddock. The site is accessed from a narrow lane off Warren Lane. The site is located within the Green Belt.

### **3.0 RELEVANT HISTORY**

- : 16/01242/FUL: Demolish existing dwelling and construct detached Bungalow - Application Refused
- 02/00526/FUL: Replacement and Re-Siting of Mobile Home. -Application Permitted
- 96/00672/FUL: Replacement of Existing Mobile Home with New Bungalow. - Application Refused-dismissed on appeal.

### **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the area available for parking within the site remains unchanged, and complies with Brentwood Borough Council's adopted parking standards for the proposed replacement dwelling.

### **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. 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/>

#### **2 letters of support**

### **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: GB1, GB2 and GB6 all relating to Green Belt development; CP1 General development criteria.

NPPF Section 9: Paragraphs 89 and 90

### Local Development Plan:

The Local Development Plan is currently at the 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 the plan advances and objections become 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 is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in late 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in 2018.

## 7.0 ASSESSMENT

The main issues are:

- Does the proposal represent inappropriate development in the Green Belt;
- If so whether there would be harm to openness;
- If the application represents inappropriate development there are any 'very special circumstances' that clearly outweigh the harm;
- Impact on the character and appearance of the area;
- Any other considerations

### **Green Belt Principle :**

The site is located within the Green Belt as defined in the Brentwood Replacement Local Plan. The site has a mobile home standing on a brick platform which the applicant is seeking to replace with a permanent bungalow on the same footprint and the same height as the mobile home. The mobile home has been there for several years and has by default a lawful use for the stationing of a mobile home on the site.

Paragraph 89 of the Framework provides exceptions to inappropriate development in the Green Belt. One of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. However, the lawful use of the stationing of a mobile home is a different situation to where there is an actual dwelling house on the site constituting operational development. As such the proposal, would not amount to the replacement of a building in the context of Paragraph 89 of the Framework. This view has been held in several appeals. Therefore, the proposal for a new dwelling would not fall within any of the exceptions set out in Paragraphs 89 and 90 and would be inappropriate development in the Green Belt.

The site has been subject to a previous appeal in 1996. Although this appeal is pre-Framework, reference is made to the Council's Local Plan policies which are still in force and also the inspector made a number of observations which are still relevant in this current application. In particular, the footnote to Policy GB6 of the BRLP which states

the policy is not intended to apply to the replacement of mobile homes. This Policy is still applied to development in the Green Belt.

More significantly the inspector concluded that 'to allow this appeal in the absence of more convincing special circumstances would tend to undermine local green belt policy aimed at safeguarding the countryside from urban encroachment'. 'Thus, it could be hard for the Council to resist similar proposals to replace caravans with permanent dwellings the cumulative effect of which, if allowed, would be more damaging to rural interest of acknowledged importance'. This view is still relevant in the current application. The application would therefore need to demonstrate that very special circumstances exist that clearly outweigh the harm caused by inappropriate development.

**Is the proposal harmful to the openness of the Green Belt?**

Given that the dwelling would replace a mobile home of the same height and proportions it would not result in any greater harm to the openness of the Green Belt.

**If the application represents inappropriate development there are any 'very special circumstances' that clearly outweigh the harm?**

Given that officers have concluded that the proposal represents inappropriate development in the Green Belt the applicant needs to demonstrate very special circumstances which clearly sets this proposal apart from similar proposals. The applicant has not provided any very special circumstances, other than the existing property is damp and he suffers from bronchitis. No medical evidence was submitted and no alternative such as insulating or replacing the existing mobile homes was suggested. The proposal therefore clearly conflicts with the policies in place to protect the Green Belt. The proposal would therefore be harmful to the Green Belt and is therefore contrary to Policies GB1, GB2 and GB6 of the BRLP.

**Impact on the character and appearance of the area:**

The drawing submitted suggests a barn hip roof with low eaves and a two gable wings to the rear. The application form suggests brick and render or other facing materials. It is not considered that the design would be harmful to the surrounding character and appearance of the area.

**Other considerations:**

Given the current use it is not considered that there would be any new highway issues arising and there are no residential amenity issues.

With regards to the letters of support, they are suggesting that the principle of the development is existing. It is noted that neither of these letters were received from the neighbours notified.

## 8.0 CONCLUSION

The proposal does not represent a replacement building in the context of Paragraph 89 of the Framework and therefore is regarded as inappropriate development in the Green Belt. Given the applicant has not demonstrated sufficient very special circumstances the proposal is contrary to the Council's Green Belt policies and the Framework.

## 9.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1. The site is situated within the Metropolitan Green Belt and the replacement of the existing mobile home with a permanent dwelling is inappropriate development and therefore harmful to the Green Belt. The proposal therefore does not accord with Policies GB1, GB2 and GB6 of the Brentwood Replacement Local Plan and the National Planning Policy Framework.
2. Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

### Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2 & GB6; the National Planning Policy Framework 2012 and NPPG 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

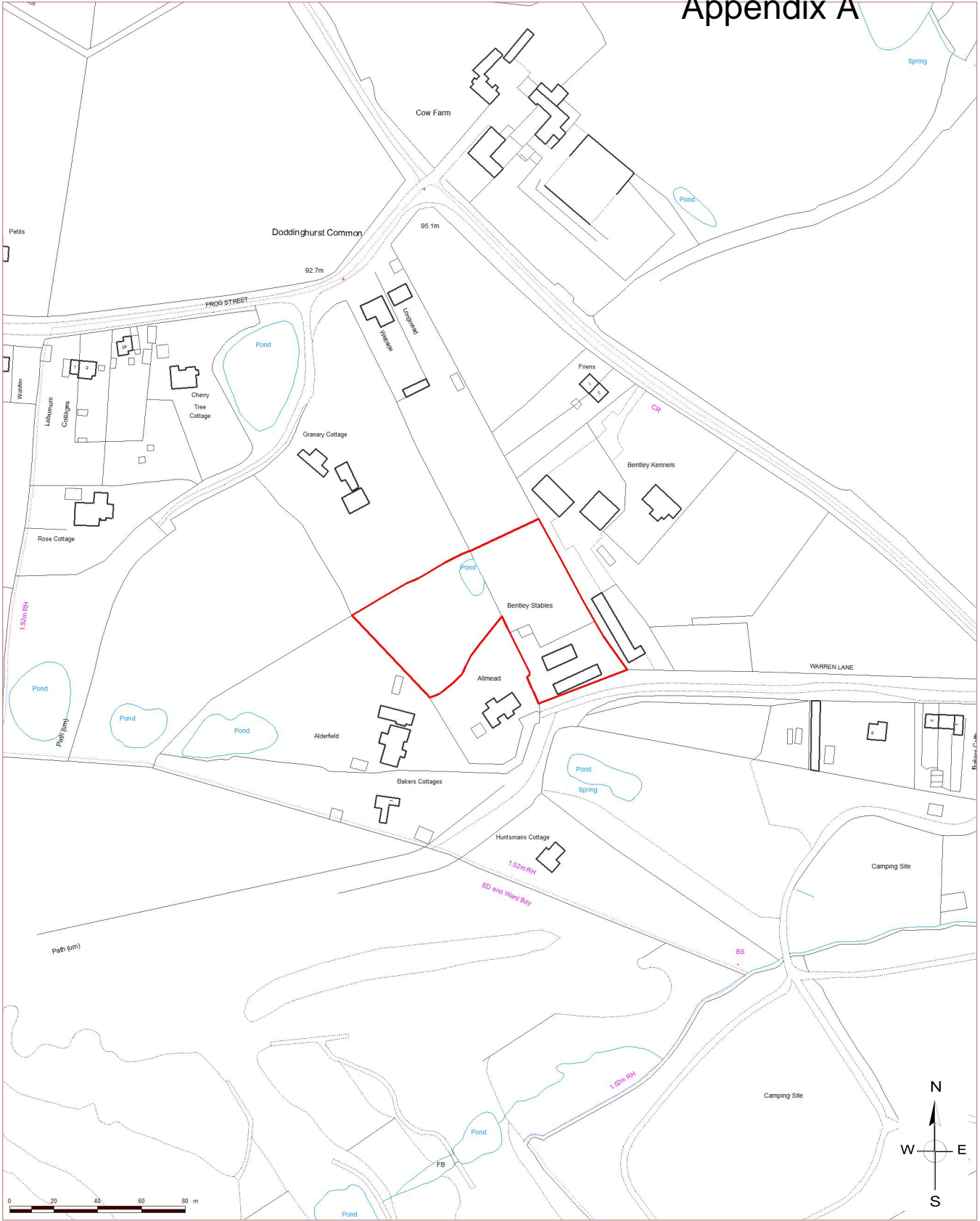
### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

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Appendix A



Title : Bentley Stables, Warren Lane, Doddinghurst

17/00198/FUL

Scale at A4 : 1:2500

Date : 25th April 2017

Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



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## ITEM 07

25 April 2017

### Planning and Licensing Committee

#### Development Management Performance 2016/2017

*Report of:* *Phil Ruck, Head of Paid Service*

*Wards affected:* *All*

*This report is:* *Public*

### 1. Executive Summary

- 1.1 This is a report about the performance of the Development Management team, including enforcement, in the last financial year. It provides a summary of performance over a range of measures. It shows that against a range of metrics the team's performance has improved in comparison to previous years.

The changes to the processes established within the department over the last 12 months has made a considerable impact on the delivery of swifter and more consistent responses and decision making. The overall outcome is that developers and those wishing to extend their homes have certainty about what will be allowed where and when. In turn, this provides support to the local economy, boosts housebuilding while continuing to give local communities and residents a say in their neighbourhood.

### 2. Recommendation

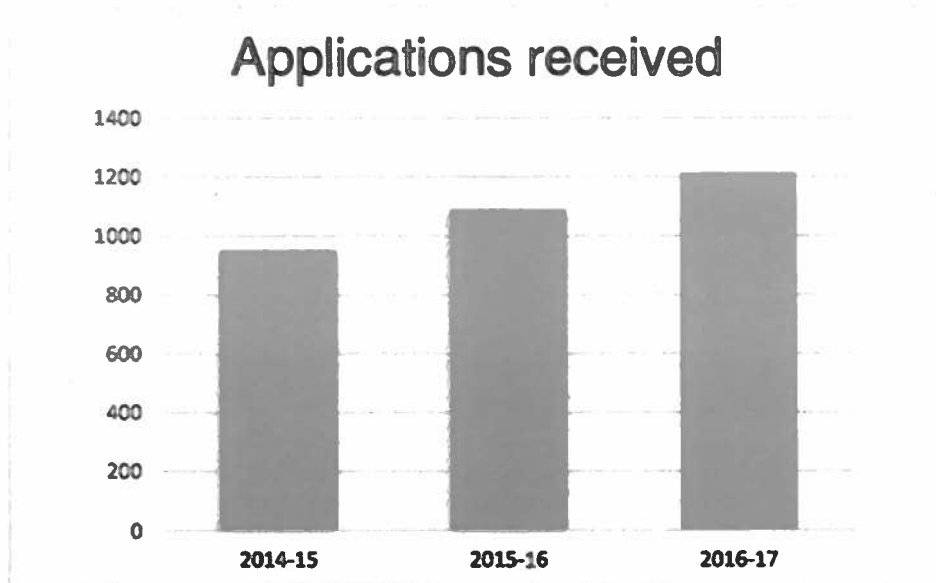
- 2.1 That the improvement in performance achieved is noted.

### 3. Detail

- 3.1 There is a number of established national performance measures, mostly based on the speed of determining applications. In addition, Brentwood Borough Council collects its own performance data on a number of matters in the interests of performance management, effectiveness and customer service.

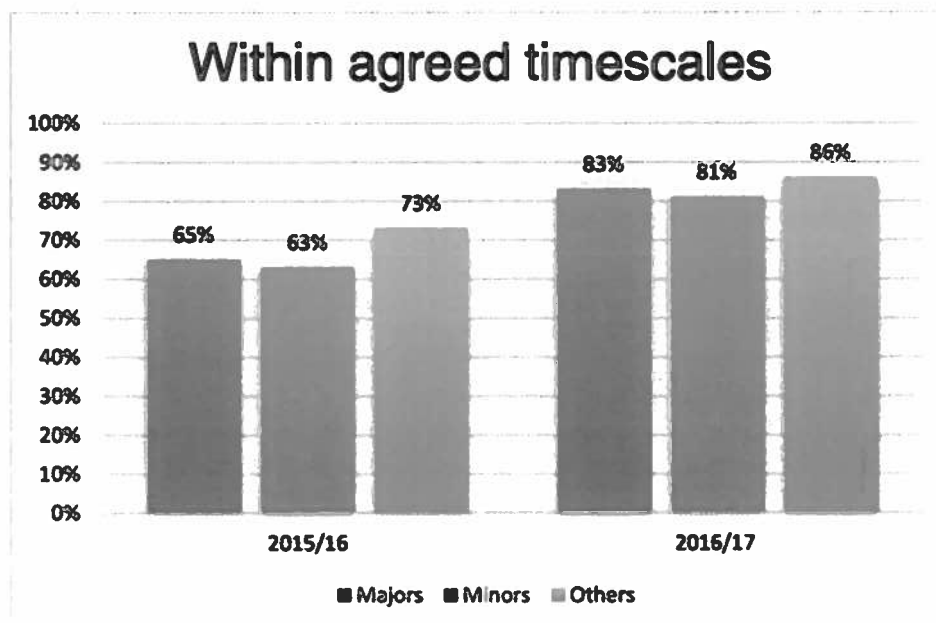
Number of applications received

- 3.2 This is a measure of one element of departmental workload. The number of applications received by the authority has increased year on year. The number received for the last three years is shown below:



#### Speed of determination

**3.3** The timescale for determining applications is set by Government and can be extended with the agreement of the applicant. The percentage of applications determined within these periods in an established measure collected by successive Governments. The table below shows the percentage of applications determined within these timelimits for the last two years.

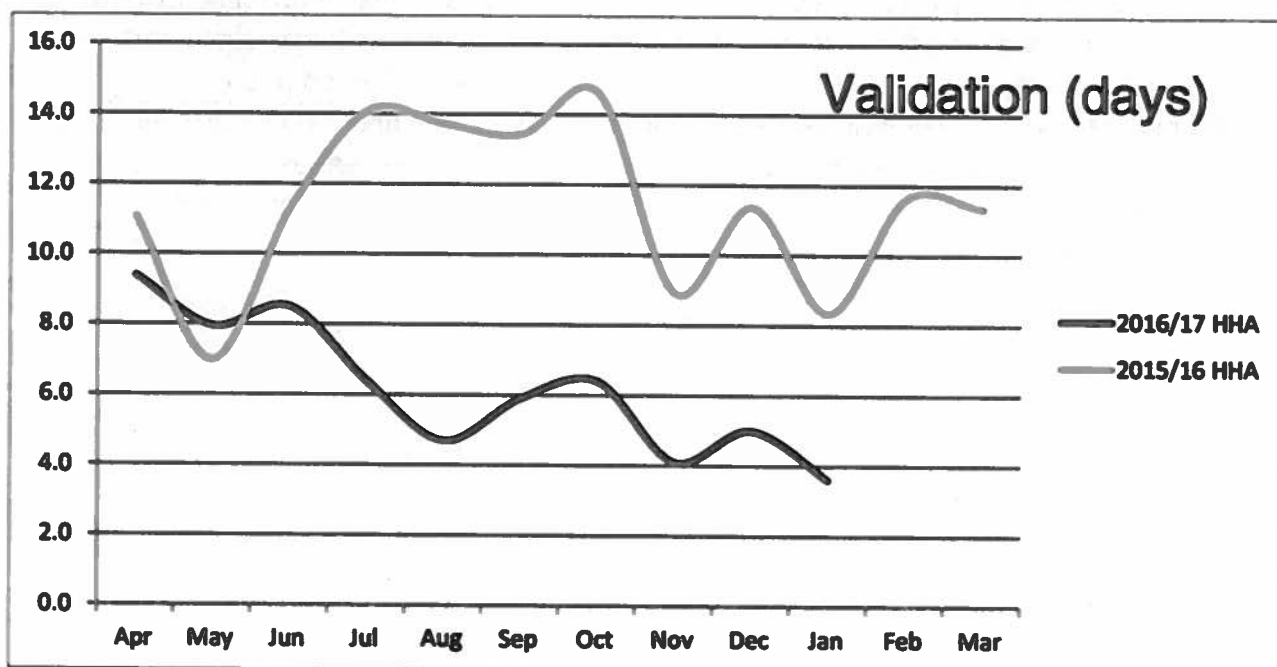


**3.4** Taken together, the figures for the increased number of applications received and improvements in the timeliness of determination of this larger number of applications are an indication of the improvements in efficiency achieved at Brentwood in the last year.

3.5 To encourage good performance the Government introduced a threshold for intervening in the operation of a planning authority. Originally this was 30% (Majors only) determined within in agreed timescales but has been raised in stages and currently stands at 50%. This is to be extended to non Majors and both are to be raised in stages: 50% for Major/65% Non Major (2017) and 60% for Major/70% Non Major (2018). These measures will be assessed over a two year period. Officers are managing the service with this in mind to ensure that the performance exceeds these thresholds and therefore we remain in control of determining applications in the borough.

#### Validation

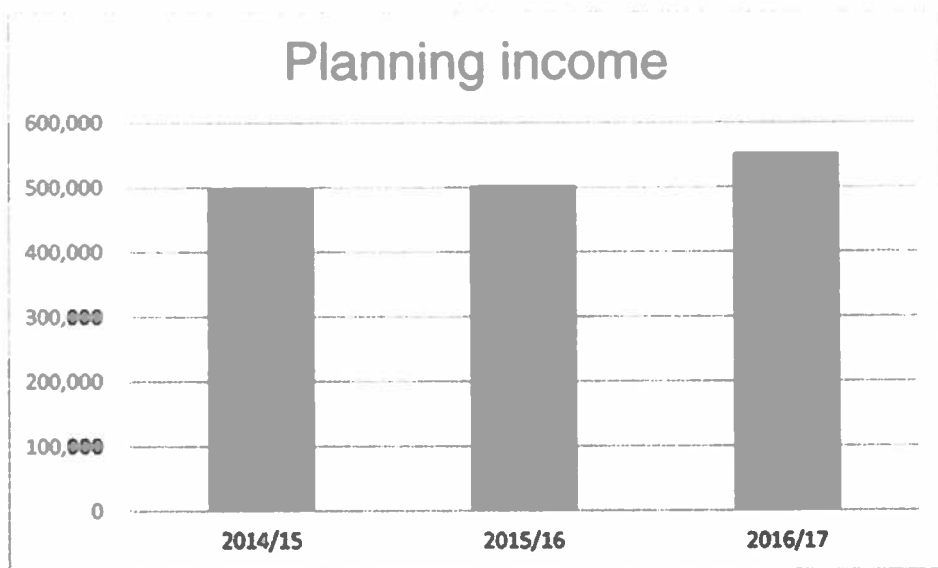
3.6 Another measure of efficiency is the number of days taken for an application to be validated and passed to the case officer for consideration. Improved efficiencies in administrative procedures have reduced the time taken. A comparison between the validation of householder applications in 2015/16 and 2016/17 is shown below. A similar improvement has been made on the validation of larger applications.



NB: Lower is better i.e. faster.

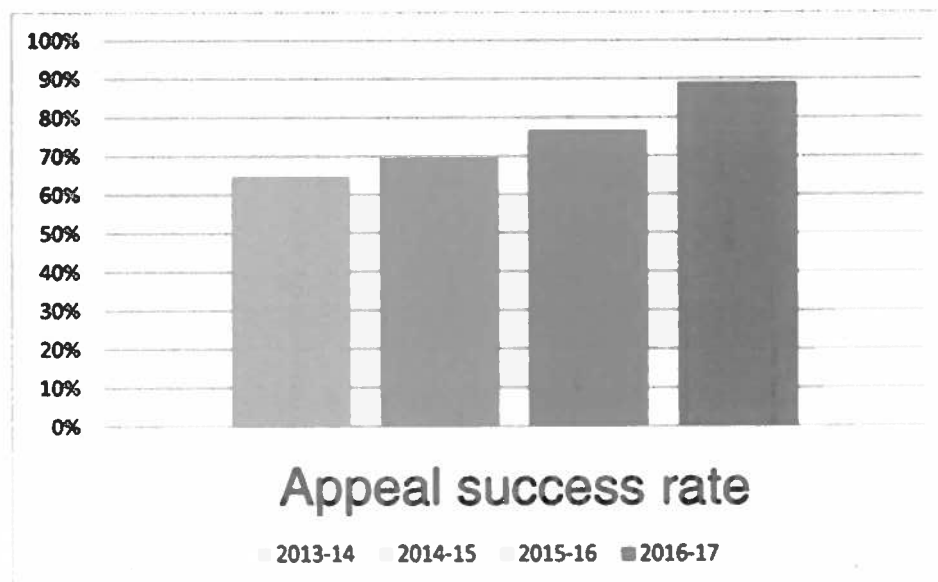
#### Planning income

3.7 The department's income from fees and charges has increased in each of the last three years. This income includes nationally set planning fees, locally set charges for pre application discussions and photocopying etc. As larger developments proceed through the pre application and application stages, the Council will enter into Planning Performance agreements (PPAs) to provide agreed levels of service and funding the extra capacity to manage this workload and discretionary activities.



**3.8 Increased income allows reinvestment in the service and makes it possible to increase capacity and available skills to deal with applications as well as larger scale and new forms of development which have not previously been experienced in the Borough. Planning fees (Government set) are due to increase in July and the Government is required to be reinvested in the planning service. Future increases in the level of planning fees will be limited to authorities meeting national targets for speed of determination.**

#### Appeal performance



**3.9** The Government will introduce a measure of decision making quality in 2018 based on the proportion of development proposals permitted at appeal. While these measures have not been introduced yet (and the period during which the data will be collected is still running) officers are managing the service in full knowledge of these future requirements.

**Formal complaints**

**3.10** As a service that is used by the public and open to public scrutiny, the section monitors the number of complaints received. The Council has a corporate three stage complaints system and the figures for the current and last year are given below. This is a measure that needs to be constantly under review. The number of complaints received by the team have reduced.

	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
<b>2015/16</b>	<b>23</b>	<b>10</b>	<b>2</b>
<b>2016/17</b>	<b>12</b>	<b>7</b>	<b>2</b>

**Other improvements carried out during the current year**

- ✓ Series of member training events
- ✓ Alterations to the delegation agreement
- ✓ More robust negotiations with developers to get better developments e.g. using experience from elsewhere, new powers in legislation, worker closer with other departments, other Essex local authorities, using Design Review

**Enforcement**

**3.11** Additional resource to the Enforcement team in early 2016 focused on more streamlined decision making and effective recording of all new complaints, as endorsed by the adopted Enforcement Plan. Although this initially resulted in a significant rise in the number of recorded complaints, it provided a more accurate reflection of the total number of complaints received and investigated. The new procedures allowed for strategic targeting of the backlog of historic enforcement cases, the number of cases reducing from 118 (2015) to 15 (2016). The following figures are to the year end of 2016:

<b>Total number of new planning enforcement cases opened</b>	<b>190</b>
<b>Total number of planning enforcement cases finalised</b>	<b>217</b>
<b>Total number of cases under investigation at year end</b>	<b>74</b>
<b>Total number of enforcement notices issued</b>	<b>6</b>
<b>Total number of prosecutions</b>	<b>7</b>

## **Prosecutions**

- 3.12** A good indication of successful planning enforcement is demonstrated by the number of successful outcomes resulting in compliance but in some circumstances, legal action is the most effective method to remedy a breach of planning control in order to protect public interest and maintain confidence in the planning system. The Council secured its first prosecution in more than 10 years for unauthorised works carried out to a listed building at the Borough's oldest recorded building situated in Brentwood High Street. 2016 also brought about the first prosecution for unauthorised works to a tree subject of a tree preservation order. In both cases, the defendants were fined and ordered to pay costs to the Council.
- 3.13** Several other prosecution cases for non-compliance of Enforcement Notices are ongoing, and there have been 2 appeal hearings against the issue of Enforcement Notices successfully defended by the Council, in one case with costs awarded to the Council for unreasonable behaviour by the appellant.
- 3.14** The majority of the backlog of historic cases have been dealt with, positive results have been achieved and new procedures are now in place to ensure the Planning Enforcement Team are in a robust position to offer a swift and effective response to new allegations of breaches in planning control.
- 3.15** The reduced backlog of complaints will additionally allow officers more time to negotiate resolutions to breaches in planning control by consulting with key parties, by use of arbitration and mediation and through reinforcing the message from Planning Enforcement that all reported cases will be recorded and investigated through to conclusion, in a timely manner.

## **4. Reasons for recommendation**

- 4.1** To keep the committee informed about the improving performance of the Development Management team for the last year and the plans for continued performance improvement next year.

## **5. References to Corporate Plan**

- 5.1** Improving the effectiveness of the service will meet the Council's commitment to proactive and positive decision making and providing public confidence in the planning system.

## **6. Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Financial Services Manager**

**Tel/Email: 01277 312829 jacqueline.vanmellaerts@brentwood.gov.uk**

- 6.1 Achieving nationally set performance requirements will be a prerequisite to being able to increase application fees. In addition, where authorities fail to meet performance thresholds applicants may be able to bypass the local authority and make applications direct to the planning inspectorate. This will have an impact on the finances of the planning authorities involved.

### **Legal Implications**

**Name/Title: Daniel Toohey, Head of Legal Services and Monitoring Officer**

**Tel/Email: 01277 312860 daniel.toohey@brentwood.gov.uk**

- 6.2 No implications.

### **Report Author Contact Details:**

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**25 April 2017**

**Planning and Licensing Committee**

**Local Land Charges Fees update**

*Report of: Phil Ruck, Head of Paid Service*

*Wards Affected: All*

*This report is: Public*

## **1. Executive Summary**

- 1.1 This report sets out a change to the Local Land Charge fees and charges, following notification of a change in fee for the Essex Highways element on a CON29 Local Land Charge search.

## **2. Recommendation**

- 2.1 To agree the change increase in fee introduced by Essex Highways relating to the Highway element on a CON29 Local Land Charge search from 1 May 2017.**

## **3. Introduction and Background**

- 3.1 The CON29 part of the Local Land Charge, Essex Highways answer questions relating to Highway matters for Brentwood Borough Council. The fee for a CON29 search, includes the element Essex Highways charge Brentwood Borough Council to answer such questions. From 1 May 2017, Essex Highways are changing their fee to include the imposed VAT element from HMRC and introduce a slight increase. The introduction of this change, would not have any impact on the income to Brentwood Borough Council, as this element of the charge is passed on to Essex Highways from the customer requesting the search.
- 3.2 The current Essex Highways element of the CON29 charge is £12.65 excluding VAT, this will be increasing by £0.64 pence to £13.29 excluding VAT. HMRC confirmed that VAT at 20% is to be imposed on the CON29

and subsequently this will be added to this fee, making it a total including VAT of £15.95.

#### **4. Existing Local Land Charges Fees and Charges**

- 4.1 The Borough's current fees and charges are set out on the Council's website so that those wishing to undertake a Local Land Charge search are informed of rates in advance. Appendix A of this report sets out the existing and proposed fees and charges for Local Land Charges. The proposed fees reflect this change.

#### **5. Reasons for Recommendation**

- 5.1 The change in fee is to take account for the proposed change of fee charged by Essex Highways to Brentwood Borough Council for this service.

#### **6. Consultation**

- 6.1 Discussions with staff and the managed service provider for Development Management have assisted in the preparation of this report.
- 6.2 Democratic Services have been consulted to acknowledge financial input.

#### **7. Implications**

##### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Financial Services Manager**

**Tel/Email: 01277 312829 jacqueline.vanmellaerts@brentwood.gov.uk**

- 7.1 The introduction of this increase does not have any impact on the Council income, as this charge is passed on to Essex Highways. The revised fee will be amended in the Total Fees and Charges Schedule for 2017/18.

##### **Legal Implications**

**Name/Titles: Sonia Sharp, Planning Solicitor**

**Tel/Email: 01277 312703 / sonia.sharp@brentwood.gov.uk**

- 7.2 The Local Government Act 1999 provides that the Council is under a general duty to "make arrangements to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness" Statutory Guidance, revised in September 2011, emphasises that authorities should engage service users and the wider community in consultation on options for the future and reshaping of the service.

7.3 Charges for discretionary services such as pre-application advice and planning performance agreements are allowed by the Local Government Act 2003.

7.4 **Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

7.5 No other implications are identified.

## **8 Background Papers**

8.1 None

## **9 Appendices to this report**

Appendix A - Fee and Charges table for Local Land Charges.

### **Report Author Contact Details:**

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**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LAND CHARGES**

**CHARGING AREA: Land Charges**

\* Note - Change to standard rated VAT on some of the elements. Implementation date 1st January 2017.

**Search Fees**

LLC1	O	S	20.00	20.00	20.00	20.00
CON 29R	S*	S	81.65	97.98	82.29	98.75
CON 29R including LLC1	S/O*	S	101.65	117.98	102.29	118.75
CON 290 optional enquiries, except Q22	S*	S	11.75	14.10	11.75	14.10
CON 290 optional enquiries, Q22 only	S*	S	14.00#	16.80#	14.00#	16.80#
Any other additional enquiries	O	S	28.75	28.75	28.75	28.75
Additional parcels of Land	S*	S	35.80	42.96	35.80	42.96

# In relation to CON 290, Q.22 only, additional parcels of land are priced at £1 per parcel, subject to maximum of 6 parcels of land, there being a £20 maximum fee payable in this regard

**Copy Documents**

Tree Preservation Order	O	S	16.90	16.90	16.90	16.90
Planning Decision Notice	O	S	14.98	14.98	14.98	14.98
S106 etc	O	S	33.80	33.80	33.80	33.80
Enforcement notice	O	S	16.90	16.90	16.90	16.90

Key to VAT  
 S - Standard Rate - 20%  
 Z - Zero Rate - 0%  
 E - Exempt from VAT  
 O - Outside the scope of VAT  
Key to Fee  
 S - Statutory  
 D - Discretionary

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## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.



## **Planning and Licensing Committee**

### **Planning**

(a) Town and Country Planning Act 1990 and any related legislation including:-

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

- (i) determination of applications for Listed Buildings and Conservation Area consent;
- (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

(a) To guide the Council in setting its policy objectives and priorities.

- (b) To carry out the duties and powers of the Council under current legislation;
- (c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
- (d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (e) To consider and approve relevant service plans;
- (f) To comply with the standing orders and financial regulations of the Council;
- (g) To operate within the budget allocated to the committee by the Council.
- (h) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning.

### **Licensing**

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

- i. Trading Requirements.
- ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

- iii. Animal Welfare and Security.
  - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing.
  - v. Sex establishments (including Sex Entertainment Venues (SEV)).
  - vi. Pavement Permits.
  - vii. Charitable Collections.
  - viii. Camping, Caravan Sites and Mobile Homes.
  - ix. Scrap Metal.
  - x. Game Dealers.
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.
- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.