



Planning and Development Control Committee

Agenda

Part One

Council Chamber - Town Hall

Wednesday, 19 November 2014 at 7.00 pm

Membership (Quorum – 3)

Councillors

Cllrs Baker (Chair), Mynott (Vice-Chair), Carter, Cloke, Mrs Cohen, Mrs Henwood, Mrs Hones, Hossack, McCheyne, Morrissey and Mrs Squirrell

Committee Co-ordinator: Claire Hayden (01277 312741)

Additional Information:

Substitutes

Where a Member cannot attend a meeting, he or she will contact the Committee Administrator by 5.00pm on the day before the meeting to let them know this and to confirm who will be coming in their place.

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.

Substitutes for quasi judicial Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a quasi judicial Committee it will not be filled until the nominated member has been trained.

Rights to attend and speak

Any Member may attend any body to which these Procedure Rules apply.

A Member who is not a member of the committee may speak at the meeting if they have given prior notification by no later than one working day before the meeting to the Chair and advised them of the substance of their proposed contribution.

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.

Point of Order/Personal explanation/Point of Information

8.3.14 Point of order

A member may raise a point of order at any time. The Chair 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 Chair on the point of order will be final.

8.3.15 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 Chair on the admissibility of a personal explanation will be final.

8.3.16 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 Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair 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 Chair on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

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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.

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Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- Planning policy such as adopted Brentwood Replacement Local Plan, Government guidance, case law, previous decisions of the Council;
- Design, appearance and layout;
- Impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance;
- Impact on trees, listed buildings or a conservation area;
- Highway safety and traffic;
- Health and safety;
- Crime and fear of crime;
- Economic impact – job creation, employment market and prosperity.

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- Land ownership issues including private property rights, boundary or access disputes;
- Effects on property values;
- Restrictive covenants;
- Loss of a private view;
- Identity of the applicant, their personality or previous history, or a developer's motives;
- Competition;
- The possibility of a "better" site or "better" use;
- Anything covered by other legislation.

Part I

(During consideration of these items the meeting is likely to be open to the press and public)

Contents

Agenda Item No.	Item	Wards(s) Affected	Page No.
1	Apologies for absence		
2	Minutes of previous meeting		11 - 20
Head of Planning reports			
3	LAND ADJACENT TO 42 IRIS CLOSE PILGRIMS HATCH ESSEX CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING APPLICATION NO: 14/00934/FUL	Pilgrims Hatch	21 - 40
4	LAND ADJACENT TO 61 IRIS CLOSE PILGRIMS HATCH ESSEX CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING APPLICATION NO: 14/00935/FUL	Pilgrims Hatch	41 - 58
5	5 CARISBROOK ROAD PILGRIMS HATCH ESSEX	Pilgrims Hatch	59 - 66

CM15 9PG

**SINGLE STOREY FRONT
EXTENSION.**

**APPLICATION NO:
14/00869/FUL**

**6 OAKDENE DAYS LANE Pilgrims Hatch 67 - 76
PILGRIMS HATCH ESSEX
CM15 9SJ**

**TWO STOREY REAR
EXTENSION AND
INSERTION OF WINDOW
TO NORTH ELEVATION**

**APPLICATION NO:
14/00857/FUL**

**7 CALCOTT HALL FARM South Weald 77 - 90
ONGAR ROAD PILGRIMS
HATCH ESSEX CM15 9HS**

**EXTENSION TO EXISTING
FARM BUILDING,
CHANGE OF USE TO
FARM SHOP/CAFE, AND
EXTENSION TO EXISTING
CAR PARK**

**APPLICATION NO:
14/00799/FUL**

**8 HUTTON COMMUNITY Hutton North 91 - 98
CENTRE HARRISON
CLOSE HUTTON ESSEX
CM13 1LP**

**PART CHANGE OF USE
OF COMMUNITY CENTRE
(D1) TO A CAFE (A3)
PROVIDING HOT FOOD
AND DRINK**

**APPLICATION NO:
14/00933/BBC**

- | | | | |
|----|--|--|------------------|
| 9 | GREAT EASTERN MAIN
LINE THROUGH
BRENTWOOD BOROUGH
HUTTON ROAD
SHENFIELD ESSEX | Shenfield | 99 - 122 |
| | CROSSRAIL
INFRASTRUCTURE AND
STATION WORKS IN
BRENTWOOD BOROUGH
COUNCIL, INCLUDING
WORKS AT BRENTWOOD
STATION, SHENFIELD
STATION AND SIDINGS. | | |
| | APPLICATION NO:
14/01016/CROSS | | |
| 10 | West Horndon
Neighbourhood Plan Area | Herongate, Ingrave and
West Horndon | 123 - 152 |
| 11 | Urgent business | | |



Acting Chief Executive

Town Hall
Brentwood, Essex
11.11.2014

Minutes

Planning and Development Control Committee Tuesday, 4th November, 2014

Attendance

Cllr Baker (Chair)	Cllr Mrs Henwood
Cllr Mynott (Vice-Chair)	Cllr Mrs Hones
Cllr Carter	Cllr McCheyne
Cllr Cloke	Cllr Morrissey

Apologies

Substitute Present

Cllr Le-Surf (substituting for Mrs Cohen)
Cllr Lloyd (substituting for Mrs Squirrel)
Cllr Parker (substituting for Hossack)

Also Present

Cllr Aspinell
Cllr Barrett
Cllr Clark
Cllr Mrs Hubbard
Cllr Kerlake
Cllr Mrs Murphy
Cllr Russell
Cllr Tee
Cllr Foan

Officers Present

Charlotte Allen	Senior Planning Officer
David Carter	Senior EHO (Team Leader)
Philip Cunliffe-Jones	Planning Solicitor
Martyn Earl	Senior Planning Officer
Gordon Glenday	Head of Planning & Development
Kathryn Mathews	Senior Planning Officer
Tony Pierce	Interim Planning Executive

234. Apologies for absence

Apologies for absence were received by Cllrs Mrs Cohen, Mrs Squirrell and Hossack.

235. Minutes of previous meeting

The minutes of the previous meeting were approved and signed by the Chair as a correct record, subject to an amendment to show:-

Min 171 – (Minutes of meeting held on 14.10.2014) A Motion was MOVED by Cllr Baker and ~~SECONDED by Cllr Mynott~~ to proceed to the vote to approve the application.

Min 173 – (Minutes of meeting held on 14.10.2014) A Motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to ~~refuse~~ defer the application.

236. SHENFIELD CRICKET CLUB CHELMSFORD ROAD SHENFIELD ESSEX CM15 8RQ. CONVERSION OF EXISTING GRASS RUN UP AREA TO HARD SURFACE AND REFURBISHMENT OF THE TWO EXISTING CRICKET NETS IN THEIR EXISTING POSITION. APPLICATION NO: 14/00836/FUL

Mr Wright, was in attendance and addressed the committee setting out his objections to the application.

Mr Spicer, was in attendance and addressed the committee in support of the application.

Mr Barnes, the applicant was in attendance and addressed the committee in support of the application.

The Chair spoke on this item as a Ward Member and informed the committee that the application was for planning permission only. With regards to the maintenance and parking issues, these will be discussed at a further Asset and Enterprise Committee.

A Ward Member spoke on the work that had been carried out between the Shenfield Cricket Club and residents towards an agreement and it was hoped that a decision could be made at this meeting.

A Motion was MOVED by Cllr Lloyd and SECONDED by Cllr Parker to approve the application.

For: Cllrs Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Le-Surf, Lloyd, McCheyne, Morrissey, Mynott and Parker

Against: (0)

Abstain: (0)

The Motion was CARRIED.

RESOLVED UNANIMOUSLY that planning permission is approved, subject to the conditions recommended.

237. BRENTWOOD RUGBY CLUB KING GEORGES PLAYING FIELDS BRENTWOOD ESSEX CM13 2AQ. SINGLE STOREY RUGBY FOOTBALL REPLACEMENT CLUBHOUSE WITH CHANGING FACILITIES AND ADDITIONAL PARKING. APPLICATION NO: 14/00745/FUL

Mr Matthews, was in attendance and addressed the committee setting out his objections to the application expressing concerns over the height, bulk and size of the new structure.

Mr King, was in attendance and addressed the committee in support of the application.

Both Ward Members of Warley and Brentwood South spoke on the application, concerns were expressed on the size, location and amplified sound generated from the Club House and the effects on the neighbouring residents.

However, members understood that the alterations were an RFU requirement.

A Motion was **MOVED** by Cllr Lloyd and **SECONDED** by Cllr Baker to approve the application.

For: Cllrs Baker, Cloke, Mrs Henwood, Mrs Hones, Lloyd, McCheyne, and Parker

Against: Cllrs Carter, Le-Surf and Morrissey

Abstain: Mynott

The Motion was CARRIED.

RESOLVED that planning permission is approved, subject to the conditions recommended with amendments to condition 7 (U08642) and condition 10 (U08634) as follows:-

Condition 7 (U08642). The premises shall not be open for customers outside the following hours: 18:30-22:30 Mondays to Fridays, 12:00-23:00 Saturdays and 09:30-17:00 Sundays. The premises shall be cleared of customers within 30 minutes of closing and staff within one hour of closing. Reason: To safeguard the living conditions of nearby residents.

Condition 10 (U08634). No development shall take place until details of the acoustic performance of doors and glazing to the premises have been submitted to and approved by the Local Planning Authority. Such details shall include an assessment of the likely attenuation of noise from the internal areas of the building and shall be designed to ensure that noise breakout from the building does not exceed the background noise level (LA90,T) when measured at the nearest residential façade. The approved doors and glazing shall be installed prior to the commencement of the beneficial use of the building and shall be retained in perpetuity. Reason: In the interests of the amenity of the occupiers of neighbouring residential properties.

(Cllr Aspinell declared a non pecuniary interest under the Councils Code of Conduct by virtue of being the Council Representative for the Brentwood Rugby Club).

The meeting was adjourned for 5 mins for a comfort break

238. WARLEY PARK GOLF CLUB MAGPIE LANE LITTLE WARLEY ESSEX CM13 3DX. PROPOSED GOLF DRIVING RANGE FLOODLIGHTING WITH ATTENDANT PLANT STORE AND GREENKEEPERS STORAGE BUILDING. APPLICATION NO: 14/00892/FUL

Mr Smith, was in attendance and addressed the committee in support of the application.

Mr Orrin, the applicant was in attendance and addressed the committee in support of the application.

A Ward Member spoke in support of the application as no complaints had been received by residents.

A Motion was MOVED by Cllr Mynott and SECONDED by Cllr Morrissey to refuse the application.

For: Cllrs Baker, Carter, Le-Surf, Lloyd, Morrissey and Mynott

Against: Cllrs Cloke, Mrs Henwood, Mrs Hones, McCheyne and Parker

Abstain: (0)

The Motion was CARRIED.

RESOLVED that planning permission is refused for the following reasons:-

R1 U08420

The proposed driving range (which would incorporate a plant store and office) would constitute inappropriate development in the Green Belt and by virtue of its scale, mass, bulk and inclusion of floodlighting would be detrimental to the openness of the Green Belt as well as being unduly prominent within and

harmful to the rural character of the surrounding area, which includes a Special Landscape Area. The proposed development conflicts with Chapters 7 & 9 and paragraph 17 of the National Planning Policy Framework 2012 and with Policies CP1, GB1, GB2, C25 and CP1 (i) and (iii) of the Brentwood Replacement Local Plan 2005.

R2 U08421

The proposed greenkeepers storage building would be an inappropriate form of development within the Green Belt and by virtue of its scale, mass and bulk would be detrimental to the openness of the Green Belt. The proposed development conflicts with Chapter 9 of the National Planning Policy Framework 2012 and with Policies CP1, GB1, GB2 and GB23 of the Brentwood Replacement Local Plan 2005.

R3 U08422

The matters that have been advanced by the agent in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness and harm to the rural character and appearance of the Green Belt and Special Landscape Area. Therefore, no circumstances exist to justify the grant of planning permission for inappropriate development proposed. The proposal conflicts with Chapter 9 of the National Planning Policy Framework 2012 and with Policy GB1 of the Brentwood Replacement Local Plan 2005.

239. 134 HIGH STREET BRENTWOOD ESSEX CM14 4AT. DEMOLITION OF EXISTING DETACHED BUILDING AND CONSTRUCTION OF NEW THREE STOREY BUILDING CONTAINING SIX FLATS. APPLICATION NO: 14/00885/FUL

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

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

Mr Barnard, was in attendance as the Applicant's Representative and addressed the Committee in support of the application.

The Chair commended the applicant for his work with the residents on this application.

A Motion was MOVED by Cllr Baker and SECONDED by Cllr Lloyd to approve the application.

For: Cllrs Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Le-Surf, Lloyd, McCheyne, Morrissey, Mynott and Parker

Against: (0)

Abstain: (0)

The Motion was CARRIED.

RESOLVED that planning permission is approved, subject to the conditions recommended with amendments to condition 6 as follows:-

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping to include the provision of a mature hedge between the car park and No.136's garden shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

240. CARLYNNE CHILDERDITCH LANE LITTLE WARLEY ESSEX CM13 3EE. DEMOLITION OF EXISTING DWELLING AND EXISTING CAR PORT AND THE ERECTION OF A REPLACEMENT DWELLING AND CAR PORT. APPLICATION NO: 14/00718/FUL

Mrs King, the applicant was present and addressed the committee in support of the application.

A Ward Member spoke in support of the application advising the committee that the applicant had demonstrated that the new build will be better insulated and environmentally friendly.

A Motion was MOVED by Cllr Mrs Henwood and SECONDED by Cllr Parker to approve the application.

For: Cllrs Cloke, Mrs Henwood, McCheyne and Parker

Against: Cllr Baker, Carter, Mrs Hones, Le-Surf, Lloyd, Morrissey and Mynott

Abstain: (0)

The Motion was LOST.

A Motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to refuse the application.

For: Cllrs Baker, Carter, Mrs Hones, Le-Surf, Lloyd, Morrissey and Mynott

Against: Cllrs Cloke, Mrs Henwood, McCheyne and Parker

Abstain: (0)

The Motion was CARRIED.

RESOLVED that planning permission is refused for the following reasons:-

R1 U08430

The proposed replacement dwelling would be materially larger than the one it would replace and, therefore, be inappropriate development in the Green Belt. As a result of the size and bulk of the proposed dwelling, the development would also reduce the openness of the Green Belt, conflict with the purposes of including the land within the Green Belt and harm the character and appearance of the area. The proposal would, therefore, be contrary to the NPPF (section 9) and Policies GB1, GB2 and GB6 of the Brentwood Replacement Local Plan.

R2 U08431

None of the matters put forward on behalf of the applicant, either alone or in combination, would amount to very special circumstances which clearly outweigh the harm the development would cause by reason of inappropriateness, loss of openness and harm to the character and appearance of the area.

**241. LAND TO THE FRONT OF 50 TO 72 HUTTON DRIVE HUTTON ESSEX.
CONSTRUCTION OF 14 PARKING BAYS. APPLICATION NO:
14/00873/BBC**

During the assessment of the application, revisions to the scheme were discussed between planners and the applicant but the actual revised plans were submitted after the publication of the agenda.

Therefore, this item will be deferred to the next available committee, once the neighbour consultation period has expired and further assessment has taken place.

242. 1-4 9-14 19-22 (INCL) OAKTREE CLOSE 11 AND 13 15 AND 17 39-101(ODD) 90-100 (EVEN) 142-152 (EVEN) 162-172 (EVEN) HAWTHORN AVE 13 AND 14 15-32 (INCL) ROWAN GREEN EAST 5-10 (INCL) 11 AND 22 ROWAN GREEN WEST. REPLACEMENT BRICK BUILT BALCONY, WALKWAY WALLS AND STAIRCASE WALLS WITH METAL BALCONY WALKWAY GUARDING RAILS. APPLICATION NO: 14/00920/BBC

Ward Members spoke in support of the application.

A Motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to approve the application.

For: Cllrs Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Le-Surf, Lloyd, McCheyne, Morrissey, Mynott and Parker

Against: (0)

Abstain: (0)

The Motion was CARRIED.

RESOLVED that planning permission is approved.

(Cllr Mrs Hones declared a non pecuniary interest under the Councils Code of Conduct by virtue of being a friend of a resident of Oaktree Close).

The Chair varied the order of the agenda to discuss Item 11, before Item 10.

243. **Memorandum of Understanding between Brentwood Borough Council and Basildon Borough Council**

Brentwood Borough Council and Basildon Borough Council, as the Local Planning Authorities, have prepared a "Memorandum of Understanding" (MoU) to agree to work together when considering cross boundary strategic planning issues. The MoU is set out in Appendix A.

The MoU sets out that both Councils will explore whether land to the west of Laindon (in Basildon Borough) and to the east of West Horndon (in Brentwood Borough) has any potential of meeting some of the development needs of both boroughs through a cross boundary development opportunity.

Both Councils considered the approach to be consistent with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance under the duty to cooperate on plan making.

Cllr Foan, West Horndon Parish Council spoke in support of the recommendation.

A Motion was MOVED by Cllr Lloyd and SECONDED by Cllr Morrissey to approve the recommendation sent out in the report.

For: Cllrs Baker, Carter, Cloke, Mrs Henwood, Mrs Hones, Le-Surf, Lloyd, McCheyne, Morrissey, Mynott and Parker

Against: (0)

Abstain: (0)

The Motion was CARRIED.

RESOLVED UNANIMOUSLY:

2.1 That the Memorandum of Understanding document be approved, as set out in Appendix A.

244. Changing to the Planning System

Appended to the report was a summary of recently proposed technical changes to the planning system, as part of a raft of reforms to planning decisions, and a letter from Sefton Borough Council expressing some of the frustrations and confusions caused by them. Members are asked to consider whether, or not, they would wish to support the sentiments of Sefton councillors.

A Motion was MOVED by Cllr Lloyd and SECONDED by Cllr Baker to approve the recommendation sent out in the report.

For: Cllrs Baker, Carter, Mrs Henwood, Le-Surf, Lloyd, Morrissey and Mynott

Against: Cllrs Cloke, Mrs Hones, McCheyne and Parker

Abstain: (0)

The Motion was CARRIED.

RESOLVED

2.1 That the letter from Sefton Borough Council on the nature and extent of recent changes to the planning system be supported.

SITE PLAN ATTACHED

**03. LAND ADJACENT TO 42 IRIS CLOSE PILGRIMS HATCH ESSEX
CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH
ASSOCIATED ACCESS, PARKING AND LANDSCAPING**

APPLICATION NO: 14/00934/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.09.2014
PARISH		POLICIES	NPPF NPPG CP1 T2
CASE OFFICER	Charlotte Allen		01277 312536
Drawing no(s) relevant to this decision:	PLANNING STATEMENT; TREE SURVEY; ADDITIONAL INFORMATION; L.001; P.01; P.02; P.03; P.04; P.05; P.06; P.07; P.08; 14-569;		

Update following 14th October Planning and Development Control Committee

Ownership and Rights Over the Land

Referral of both applications to Planning and Development Control Committee was delayed by issues associated with ownership and designation of the land, which required clarification. This arose partly from an ownership certificate attached to the applications being in favour of Essex County Council and partly from local resident concerns and claims that the land had always been understood to be amenity land or open space. The land is what was commonly referred to in the past as Sites Left Over After Planning (SLOAP) which could be defined as pockets of land lacking in clear definition of use that remained after a housing development. It was common for housing developments in the second half of the 20thC to include SLOAP, particularly where design layout and legal issues remained unresolved

Officers have now completed their investigations and established the following facts:

- The applicant is a company closely associated with the original developer of the housing estate.
- The owner of the application sites and adjoining undeveloped land is the applicant, as confirmed by land charge searches.
- All the green areas on the estate were adopted as highways. The Highways Committee of Brentwood Urban District Council on the 5th June 1972 in Minute resolution 69 authorised adoption of the roads.
- The planning statement submitted with the application included a signed copy from Essex County Council of the extinguishing of highway rights, subject to no objection from Brentwood Borough Council, by agreement or by grant of planning permission.
- A Deed of Agreement made under the Highways Act 1959 between George Wimpey and Brentwood Borough Council was exchanged in 1968 included reference to a proposal for the Council taking over the whole site as public open space and sewers, but there was no adoption of the green areas as open space. The operative clause of the Deed states that “the Council shall adopt the areas coloured as part of the roads maintainable at public expense”. It has been part of Highway Law since 1925 that the improvement of roads includes grass areas, and in the consolidation Highways Act of 1980 this power extends to the laying out of grass verges.
- Brentwood Borough Council granted a planting licence under the Highways Act 1980 to the then owner of 61 Iris Close. This confirms that the Council never did adopt the land for any purpose other than highways.
- Essex County Council have confirmed that they have no interest in the land other than highways authority and received transfer of this authority over the land in 2005, without qualification, from Brentwood Borough Council.
- The land has been maintained by up to 11 cuts of grass a year by Brentwood Borough Council probably since the estate was built out. The land being highway land, the Council received payment from Essex County Council for 2 cuts a year, since transfer back of the highways agency agreement. The maintenance, therefore, was not undertaken for amenity or other reasons separately from being highway land.

The investigation was thorough and can only lead to a conclusion that there is no firm basis for any claim that the land has been designated for any purposes other than highways and sewers.

Planning Policy Designation

Local Members have queried why the land has not been designated under local planning policy as 'Protected Urban Open Space'. In view of the land being highway land, it would have been excluded in the past for assessment as open space to be protected.

The Council last reviewed its opens spaces in 2003 for the purpose of revising open space byelaws. The schedule of open spaces at that time included some small plots at Hubert Road, Bird Lance, Victor's Crescent and Doddinghurst Road, but not Iris Close.

As regards any future designation, now that the highway authority has expressed a willingness to extinguish highway rights over the land, the site could be included in the next review of open space, assuming no permission is granted for other uses. As part of the preparation of the Local Plan, consultants are being commissioned to undertake a review of all green spaces in the Borough. The findings of this work are hoped to be published in the New Year.

Application for Asset of Community Value

A report will be presented to a Special Meeting of Community Committee on 20 November 2014 for members to consider to decide whether, or not, to list the land as a community asset. Should the Council decide to list it, then the Council will inform the current owner, who has to inform the Council if, and when, there is an intention to dispose of the land. The Community Group then have 6 weeks to indicate whether they would like to be considered as a possible bidder for the asset and, if so, this starts a 'moratorium' whereby the owner is not allowed to dispose of the asset for 6 months. At the end of this period, the owner may choose to whom to sell the asset and at what price.

In this instance, the owner/applicant is a developer and builder and there is, therefore, no reasonable expectation of any intention to dispose of the land. A planning approval is likely to result in implementation of the permitted plans without any transfer of the land.

Members may give weight to the application for an asset of community vale as a material planning consideration, especially as an expression of the strength of residents' concern to retain the land as amenity space. However, Members should temper this with the probability of no disposal, so no community purchase, prior to implementation.

1. Proposals

This application is presented straight to committee, rather than going through the weekly list process given the high level of neighbour representation received.

Planning permission is sought for the construction of a detached dwelling to the east of No.42 Iris Close. The proposed dwelling is of a chalet design and has three bedrooms. There is a detached garage to the east of the dwelling.

There is a concurrent application for a new dwelling on the site opposite this proposed development, which is separate from this proposal.

2. Policy Context

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

Local Plan Policies

CP1 - General Development Criteria

LT2 - Development of Existing Urban Open Space

T2 - New Development and Highway Considerations

3. Relevant History

- 14/00935/FUL: Construction of a three bedroom detached house with associated access, parking and landscaping -

4. Neighbour Responses

To date 61 objection letters have been received which object to both this application and the application on the land opposite the site which raise the following concerns:

- Loss of valuable green amenity space
- Green area used by children as a safe place to play; will affect children in the area.
- Large detached houses not in-keeping and would be unsightly; semi-detached and terraced houses in the area and are out of proportion.
- Overlooking
- Affect property values
- Loss of outlook
- Loss of view
- Loss of trees
- Harm to wildlife/biodiversity; particularly bats, badgers (badger sett on site), birds, hedgehogs, foxes
- Amenity area used by community; similar to village green
- Lack of consultation by Council with local residents
- Development is not in the Local Development Plan
- Negative impact on visual amenity
- Negative impact on residential amenity
- Infilling/garden grabbing.
- Eroding community resource.
- Harm character of area - was designed with open gardens and small greens
- Valued by older residents and parents.
- Already highly populated area.
- More cars/traffic
- Parking is already an issue and will be exacerbated.
- Disruption during construction
- Precedent for other green spaces in Pilgrims Hatch
- Flowers estate has small gardens and large Bishops Hall Park is too remote.
- Would turn footpath into alley; security issues.
- Inappropriate and overdevelopment
- Access to houses would reduce parking.
- Danger Iris Close and Heather Close will become a through road.
- Developer may amend plans for more development
- Loss of sunlight and daylight and overshadowing.
- Turning area could not longer be used.
- Would affect public footpath
- Road safety issues
- Is the only piece of green other than the park
- Amenity grabbing - depriving the community of a valued resource
- Local Plan preferred options indicates six sites in Pilgrims Hatch but also reports the area requires more children's play areas.
- May increase flooding.
- Noise and pollution

- Is higher ground than Heather Close
- Would lose the benefit of 2 street lights; security concerns.
- Loss of 4 parking spaces at the end of the cul-de-sac.
- Green is an integral part of the Flowers estate
- For developer/Council
- Further overcrowding
- Was refused permission due to impact to Heather Close.
- Have seen all our green spaces built on
- Only Green area on Iris Close/Flowers estate
- Refusing applications would reduce carbon emissions.
- Would remove 57 percent of the open green space
- Contrary to Policy CP1
- Overbearing houses
- Will 1 new house really make a difference to housing need.
- Planting of birch trees will block sunlight.
- Will destroy sense of openness.
- Already lost part of park to Marconi Gardens.

5. Consultation Responses

• **Highway Authority:**

Having regard to the fact that both of these development sites are situated at the end of a cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards.

The Highway Authority therefore does not wish to raise objections to the above applications subject to the following:

o Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

o 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 interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

o Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

o All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

o No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

o No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

Note: The Highway Authority does not object to the proposed removal of highway rights in this location.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- **Environment Agency:**

As the proposed development site is less than 1 hectare in size, and located in Flood Zone 1, the main flood risk issue to consider is the management of surface water run-off. This is covered by our Flood Risk Standing Advice (FRSA) available online here:

<https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

- **Arboriculturalist:**

No - the tree information is good, no arb reasons for refusal it will need to be included as a condition with monitoring by a qualified arboriculturalist

6. Summary of Issues

The application site is located on the northern side of Iris Close and currently forms an open area of green space with some trees on the site. There are houses to the west and north of the site, and houses beyond the green to the east and south. The site is allocated for residential purposes in the Local Plan. The site does not lie within a protected urban open space.

The main considerations in the determination of this proposal are therefore; principle of development; design; effect on residential amenity and living conditions of nearby neighbours; parking and highway considerations and landscaping and ecology considerations:

Principle of the Development

The site is allocated for residential purposes in the local plan and is not designated as protected urban open space. Chapter 8 of the NPPF seeks to promote healthy communities, with paragraph 69 stating that planning decisions should aim to achieve places which promote high quality public space and paragraph 73 stating that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. However, Paragraph 76 states that local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as 'Local Green Space' local communities will be able to rule out new development other than in very special circumstances. Paragraph 77

states that the Local Green Space designation will not be appropriate for most green areas or open space.

From the representations received it is clear that local residents feel this area of green space has a strong local amenity value, however, given that it is not allocated as protected urban open space, or as a local green space as outlined in the NPPF and given that the proposal would not result in the loss of the entire open green space, the principle of the development is acceptable, subject to other considerations such as design, parking and residential amenity.

Design

In design terms, the style of the dwelling has been influenced by the surrounding context. The dwellings on this side of Iris Close are characterised by chalet-type dwellings and this proposal includes front and rear dormers. The ridge and eaves height clearly reflect that of the adjoining dwellings. However, the dwelling is not identical to the adjoining dwellings and there are differences, including the detached nature of the dwelling and detached garage which are not characteristic of the area. The width of the dwelling is also larger than the adjoining residents. However, a streetscene elevation has been submitted which demonstrates that whilst the dwelling will not be a copy of the adjoining dwellings, it will not appear incongruous in the streetscene.

It should also be noted that Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness. While there are differences between the design proposed and the adjoining dwellings, as outlined in the NPPF it is unreasonable to stifle originality through requirements to conform, and in any event the overall style of the proposal does reinforce local distinctiveness. Therefore, the proposal complies with aims and objectives of Chapter 7 of the NPPF and Policy CP1(i) and (iii) of the Local Plan.

Residential Amenity

In terms of overlooking no side windows are proposed. The front windows would overlook the public realm and as such would not result in any unacceptable overlooking. The rear windows would be located a minimum of some 12m from the rear boundary which is not dissimilar to the rear isolation spaces of adjoining residents. A degree of views into neighbouring gardens is to be expected in a residential area of this nature and the proposal would not result in significant or demonstrable levels of overlooking. No objection is therefore raised on this basis.

In terms of an overbearing impact the dwelling would be located a minimum of some 20m from the fronts of dwellings in Heather Close with the garage a minimum of some

16.5m from the front elevations of dwellings in Heather Close. Given this degree of separation the proposal would not result in any undue overbearing impact or dominance to these residents. The dwelling would not extend beyond the rear wall of the adjoining dwelling at No.42 and would not therefore result in any significant harm in terms of an overbearing impact to No.42. All other properties are too remote to be adversely affected in this regard. Given the design, size and location of the dwelling the proposal would not therefore result in any significant overbearing impact, dominance, loss of light or loss of outlook.

No objection is therefore raised in this regard in terms of Paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living Conditions

All habitable rooms will be provided with windows to provide light, outlook and ventilation and a garden area in excess of 100 sq. m will be provided. The proposed development would therefore provide adequate living conditions to any future occupiers in accordance with Planning Policy.

Parking and Highway Considerations

The Highway Authority has commented that having regard to the fact that both of these development sites are situated at the end of the cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the site can accommodate parked vehicles in accordance with current policy standards. The Highway Authority therefore does not wish to raise an objection to the proposal subject to conditions and on this basis, the proposal complies with the relevant policy requirements.

Landscaping and Ecology Considerations

The Council's Tree Officer has raised no objection to the proposal and suggests that any works to trees are monitored by a qualified Arboriculturalist. Subject to conditions requiring a landscaping scheme to be submitted, there would be no adverse impact on trees.

In terms of ecology, it is noted that a number of neighbours have raised concerns about the impact of the proposal on ecology, included protected species and there are claims that there is a badger sett on the site. The planning statement submitted suggests that the site has no intrinsic ecological value. However, given the comments received from the neighbours, it is necessary to condition any grant of consent to require the submission of an ecological survey before any work commences on the site. Subject to such a condition, the proposal satisfies the policy requirements..

Other Considerations

The majority of the neighbour objections have already been considered including the loss of the green space, residential amenity issues, such as overlooking, trees, design, impact on wildlife and highway and parking considerations.

With regard to the loss of the green space/community space and its use by children, it is noted that this space is important to local residents, however, as already stated it is not a protected open space and there will still be a green space retained for public enjoyment.

Property values and developer profit are not material planning considerations. Adequate neighbour consultation was undertaken. Noise during construction is not a reason to refuse an application and construction disruption can be partially controlled with the imposition of a condition requiring a construction method statement. The site may not be specifically allocated for housing development in the Local Plan but it is allocated for residential purposes making the principle acceptable, subject to meeting other considerations.

The development is not considered to be garden grabbing and in any event, the Council has no relevant policies related to development of back gardens.

Comments relating to overdevelopment and the high population and density of the area; the proposal equates to a density of some 25 dwelling per hectare which is not considered excessive within an urban location. Concern has been raised that this proposal will set a precedent for other green spaces in the area, however, each planning application is considered and determined on its own merits.

With regard to comments that the developer may amend the application and apply for other development on the site, this proposal must be considered as submitted and any amendments/new scheme would require further permission. A neighbour refers to being refused themselves due to impact on adjoining residents, but as stated each application must be considered on its own merits.

Comments have been received that the proposal would turn the nearby footpath into an alley, causing security concerns, however, a fairly large green space will be retained between the dwelling and the adjoining properties in Heather Close. With regard to concerns about the creation of a through road and the loss of the cul-de-sac, this proposal does not propose such an alteration. A number of neighbours have commented that this proposal would result in the loss of four parking spaces at the end of the cul-de-sac, however, this area is a turning head and not an allocated parking area.

Neighbours have stated that the green space needs to be retained as garden areas are small and the park is too far away, however, dwellings in this area are provided with gardens and not all of the green space will be lost. There is no evidence that the

proposal would increase flooding or noise in the area. Concerns about access to fences is a civil matter.

Conclusion

The site is not protected urban open space and the principle of development is acceptable in this location; the proposal amounts to sustainable development as outlined in the National Planning Policy Framework and having taken into consideration all other material matters, including representations made by neighbouring residents, is considered acceptable subject to conditions.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 MAT01 Samples (details acceptable)

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

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

4 BOU01 Boundary treatment to be agreed (gen)

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

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

5 CON1 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. hours of working and hours during which deliveries may be taken at the site
- Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN02 landscaping, full, details not submitted

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

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

7 PARK01 Garage for parking only

Vehicular access to the garage shall not be restricted by any reduction in the size or change in the nature of the garage door and the clear space within the garage shall not be reduced in size through the construction of internal walls. The garage shall not be used or adapted for use for any purpose other than domestic storage and the

parking of private motor vehicles associated with the dwelling and it shall not be used for habitable living accommodation of any kind.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

8 U08670

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

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

9 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof 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.

10SIT01 Site levels - to be submitted

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

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

11 U08671

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

12 U08672

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 interests of highway safety.

13 U08673

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 U08674

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

15 U08675

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

16 U08676

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

17 U08677

During the development process, the development shall be monitored by a qualified arboriculturalist.

Reason: In the interests of the visual amenity of the area.

18 U08705

No development shall take place until an ecological survey has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity.

Informative(s)

1 INF04

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

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

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

4 U02117

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

5 U02118

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of

the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: LAND ADJACENT TO 42 IRIS CLOSE, PILGRIMS HATCH, BRENTWOOD
14/00934/FUL

Scale 1:1250 at A4

Date 19th November 2014

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



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SITE PLAN ATTACHED

04. LAND ADJACENT TO 61 IRIS CLOSE PILGRIMS HATCH ESSEX

CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING

APPLICATION NO: 14/00935/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.09.2014
PARISH		POLICIES	NPPF NPPG CP1 T2
CASE OFFICER	Charlotte Allen		01277 312536
Drawing no(s) relevant to this decision:	L001; P01; P02; P03; P04; P05; P06; P07; 14-569; PLANNING STATEMENT; TREE SURVEY; ADDITIONAL INFORMATION;		

Update following 14th October Planning and Development Control Committee

Ownership and Rights Over the Land

Referral of both applications to Planning and Development Control Committee was delayed by issues associated with ownership and designation of the land, which required clarification. This arose partly from an ownership certificate attached to the applications being in favour of Essex County Council and partly from local resident concerns and claims that the land had always been understood to be amenity land or open space. The land is what was commonly referred to in the past as Sites Left Over After Planning (SLOAP) which could be defined as pockets of land lacking in clear definition of use that remained after a housing development. It was common for housing developments in the second half of the 20thC to include SLOAP, particularly where design layout and legal issues remained unresolved.

Officers have now completed their investigations and established the following facts:

- The applicant is a company closely associated with the original developer of the housing estate.
- The owner of the application sites and adjoining undeveloped land is the applicant, as confirmed by land charge searches.
- All the green areas on the estate were adopted as highways. The Highways Committee of Brentwood Urban District Council on the 5th June 1972 in Minute resolution 69 authorised adoption of the roads.
- The planning statement submitted with the application included a signed copy from Essex County Council of the extinguishing of highway rights, subject to no objection from Brentwood Borough Council, by agreement or by grant of planning permission.
- A Deed of Agreement made under the Highways Act 1959 between George Wimpey and Brentwood Borough Council was exchanged in 1968 included reference to a proposal for the Council taking over the whole site as public open space and sewers, but there was no adoption of the green areas as open space. The operative clause of the Deed states that “the Council shall adopt the areas coloured as part of the roads maintainable at public expense”. It has been part of Highway Law since 1925 that the improvement of roads includes grass areas, and in the consolidation Highways Act of 1980 this power extends to the laying out of grass verges.
- Brentwood Borough Council granted a planting licence under the Highways Act 1980 to the then owner of 61 Iris Close. This confirms that the Council never did adopt the land for any purpose other than highways.
- Essex County Council have confirmed that they have no interest in the land other than highways authority and received transfer of this authority over the land in 2005, without qualification, from Brentwood Borough Council.
- The land has been maintained by up to 11 cuts of grass a year by Brentwood Borough Council probably since the estate was built out. The land being highway land, the Council received payment from Essex County Council for 2 cuts a year, since transfer back of the highways agency agreement. The maintenance, therefore, was not undertaken for amenity or other reasons separately from being highway land.

The investigation was thorough and can only lead to a conclusion that there is no firm basis for any claim that the land has been designated for any purposes other than highways and sewers.

Planning Policy Designation

Local Members have queried why the land has not been designated under local planning policy as ‘Protected Urban Open Space’. In view of the land being highway land, it would have been excluded in the past for assessment as open space to be protected.

The Council last reviewed its opens spaces in 2003 for the purpose of revising open space byelaws. The schedule of open spaces at that time included some small plots at Hubert Road, Bird Lance, Victor's Crescent and Doddinghurst Road, but not Iris Close.

As regards any future designation, now that the highway authority has expressed a willingness to extinguish highway rights over the land, the site could be included in the next review of open space, assuming no permission is granted for other uses. As part of the preparation of the Local Plan, consultants are being commissioned to undertake a review of all green spaces in the Borough. The findings of this work are hoped to be published in the New Year.

Application for Asset of Community Value

A report will be presented to a Special Meeting of Community Committee on 20 November 2014 for members to consider to decide whether, or not, to list the land as a community asset. Should the Council decide to list it, then the Council will inform the current owner, who has to inform the Council if, and when, there is an intention to dispose of the land. The Community Group then have 6 weeks to indicate whether they would like to be considered as a possible bidder for the asset and, if so, this starts a 'moratorium' whereby the owner is not allowed to dispose of the asset for 6 months. At the end of this period, the owner may choose to whom to sell the asset and at what price.

In this instance, the owner/applicant is a developer and builder and there is, therefore, no reasonable expectation of any intention to dispose of the land. A planning approval is likely to result in implementation of the permitted plans without any transfer of the land.

Members may give weight to the application for an asset of community vale as a material planning consideration, especially as an expression of the strength of residents' concern to retain the land as amenity space. However, Members should temper this with the probability of no disposal, so no community purchase, prior to implementation.

1. Proposals

This application is presented straight to committee, rather than going through the weekly list process given the high level of neighbour representation received.

Planning permission is sought for the construction of a detached dwelling to the east of No.61 Iris Close. The proposed dwelling is of a two storey design with set back side projections, including a set back attached garage and has three bedrooms.

There is a concurrent application for a new dwelling on the site opposite this proposed development, which is separate from this proposal.

2. Policy Context

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

Local Plan Policies

CP1 - General Development Criteria

LT2 - Development of Existing Urban Open Space

T2 - New Development and Highway Considerations

3. Relevant History

- 14/00934/FUL: Construction of a three bedroom detached house with associated access, parking and landscaping -

4. Neighbour Responses

To date 63 objection letters have been received which object to both this application and the application on the land opposite the site (reference 14/00934). Not all the representations make clear which site they are referring to but they raise the following concerns:

- Loss of valuable green amenity space
- Green area used by children as a safe place to play; will affect children in the area.
- Large detached houses not in-keeping and would be unsightly; semi-detached and terraced houses in the area and are out of proportion.
- Overlooking
- Affect property values
- Loss of outlook
- Loss of view
- Loss of trees

- Harm to wildlife/biodiversity; particularly bats, badgers (badger sett on site), birds, hedgehogs, foxes
- Amenity area used by community; similar to village green
- Lack of consultation by Council with local residents
- Development is not in the Local Development Plan
- Negative impact on visual amenity
- Negative impact on residential amenity
- Infilling/garden grabbing.
- Eroding community resource.
- Harm character of area - was designed with open gardens and small greens
- Valued by older residents and parents.
- Already highly populated area.
- More cars/traffic
- Parking is already an issue and will be exacerbated.
- Disruption during construction
- Precedent for other green spaces in Pilgrims Hatch
- Flowers estate has small gardens and large Bishops Hall Park is too remote.
- Would turn footpath into alley; security issues.
- Inappropriate and overdevelopment
- Access to houses would reduce parking.
- Danger Iris Close and Heather Close will become a through road.
- Developer may amend plans for more development
- Loss of sunlight and daylight and overshadowing.
- Turning area could not longer be used.
- Would affect public footpath
- Road safety issues
- Is the only piece of green other than the park
- Amenity grabbing - depriving the community of a valued resource
- Local Plan preferred options indicates six sites in Pilgrims Hatch but also reports the area requires more children's play areas.
- May increase flooding.
- Noise and pollution
- Is higher ground than Heather Close
- Would lose the benefit of 2 street lights; security concerns.
- Loss of 4 parking spaces at the end of the cul-de-sac.
- Green is an integral part of the Flowers estate
- For developer/Council
- Further overcrowding
- Was refused permission due to impact to Heather Close.
- Have seen all our green spaces built on
- Only Green area on Iris Close/Flowers estate
- Refusing applications would reduce carbon emissions.
- Would remove 57 percent of the open green space
- Contrary to Policy CP1
- Overbearing houses
- I have been tending this piece of green for years.

- Already lost part of the park to Marconi Gardens

5. Consultation Responses

• Highway Authority:

Having regard to the fact that both of these development sites are situated at the end of a cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards.

The Highway Authority therefore does not wish to raise objections to the above applications subject to the following:

- o Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- o 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 interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- o Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- o All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- o No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and

will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

o No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

Note: The Highway Authority does not object to the proposed removal of highway rights in this location.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- **Environmental Health & Enforcement Manager:**

No comments at time of writing report

- **Arboriculturalist:**

No - the tree information is good, no arb reasons for refusal it will need to be included as a condition with monitoring by a qualified arboriculturalist

6. Summary of Issues

The application site is located on the southern side of Iris Close and currently forms an open area of green space with some trees on the site. There are houses to the west and south and houses beyond the green to the east and north. The site is allocated for residential purposes in the Local Plan. The Council does have an allocation and Policy relating to protected urban open space, however, this site is not allocated as such. The main considerations in the determination of this proposal are therefore; principle, design, residential amenity, living conditions, parking and highway considerations and landscaping and ecology considerations:

Principle of the Development

The site is allocated for residential purposes in the local plan and is not designated as protected urban open space. Chapter 8 of the NPPF seeks to promote healthy communities, with paragraph 69 stating that planning decisions should aim to achieve places which promote high quality public space and paragraph 73 stating that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. However, Paragraph 76 states that local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as 'Local Green Space' local communities will be able to rule out new development other than in very special circumstances. Paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open space.

From the representations received it is clear that local residents feel this area of green space has a strong local amenity value, however, given that it is not allocated as protected urban open space, or as a local green space as outlined in the NPPF and given that the proposal would not result in the loss of the entire open green space, the principle of the development is acceptable, subject to other considerations such as design, parking and residential amenity.

Design

In design terms, the style of the dwelling has been influenced by the surrounding context. The dwellings on this side of Iris Close are characterised by two storey style dwellings and this proposal is for a two storey dwelling. However, the dwelling is not identical to the adjoining dwellings and there are differences, including the detached nature of the dwelling and two storey, set back side projections which are not characteristics of the area. The width of the dwelling is also larger than the adjoining dwellings. However, a streetscene elevation has been submitted which demonstrates that whilst the dwelling will not be a copy of the adjoining dwellings, it will not appear incongruous in the streetscene.

It should also be noted that Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctive. Whilst there are differences between the design proposed and the adjoining dwellings, as outlined in the NPPF it is unreasonable to stifle originality through requirements to conform, however the overall style of the proposal does reinforce local distinctiveness. As such no objection is raised to the proposal in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

Residential Amenity

In terms of overlooking, only ground floor side windows are proposed which would not result in any undue overlooking. The front windows would overlook the public realm and would not therefore result in any material overlooking. Ground floor rear windows could be screened by standard boundary treatments and the first floor rear windows would be located between some 13.5 - 15.5m from the rear boundary, with the closest window serving an en-suite. Given this degree of isolation the proposal would not result in any undue overlooking. No objection is therefore raised on this basis.

In terms of an overbearing impact, the proposed dwelling would be located some 17.4m from the adjoining dwellings in Heather Close and as such would not result in any undue overbearing impact or dominance to these residents. With regard to the adjoining dwelling at No.61, the garage would extend some 5m beyond the rear wall of No.61 which has the potential to result in dominance, however, the garage is single storey in nature with a hipped roof that slopes away from the adjoining resident and No.61 has a garage to this side and as such the proposed garage would be located some 4m from the main part of the dwelling at No.61. As such, it is not considered that the proposal would result in significant or demonstrable harm in terms of an overbearing impact to No.61. All other properties are too remote to be adversely affected in this regard. Given the design, size and location of the dwelling the proposal would not therefore result in any significant overbearing impact, dominance, loss of light or loss of outlook.

No objection is therefore raised in this regard in terms of Paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living Conditions

All habitable rooms will be provided with windows to provide light, outlook and ventilation and a garden area in excess of 100 sq. m will be provided. The proposed development would therefore provide adequate living conditions to any future occupiers in accordance with Planning Policy.

Parking and Highway Considerations

The Highway Authority has commented that having regard to the fact that both of these development sites are situated at the end of the cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards. The Highway Authority therefore does not wish to raise an objection to the proposal subject to conditions. Whilst the neighbour concerns with regard to highway safety and parking are noted, given this advice no objection is raised on this basis.

Landscaping and Ecology Considerations

The Council's Tree Officer has raised no objection to the proposal and comments that the tree information submitted is good, however, a condition is required that the works are monitored by a qualified Arboriculturalist. Subject to such a condition and a condition requiring a landscaping scheme to be submitted, whilst the neighbour concerns are noted no objection is raised in terms of impact on the trees.

In terms of ecology, it is noted that a number of neighbours have raised concerns about the impact of the proposal on ecology, including protected species and there are claims that there is a badger sett on the site. The planning statement submitted suggests that the site has no intrinsic ecological value. However, given the comments received from the neighbours, it is necessary to condition any grant of consent to require the submission of an ecological survey before any work commences on the site. Subject to such a condition, no objection is raised on this basis.

Other Considerations

The majority of the neighbour objections have already been considered including the loss of the green space, residential amenity issues, such as overlooking, trees, design, impact on wildlife and highway and parking considerations.

With regard to the loss of the green space/community space and its use by children, it is noted that this space is important to local residents, however, as already stated it is not protected by Policy and part of the green space will be retained for public use, including local children.

Property values and developer profit are not material planning considerations. Adequate neighbour consultation was undertaken. Noise during construction is not a reason to refuse an application and construction disruption can be partially controlled with the imposition of a condition requiring a construction method statement. The site may not be specifically allocated for housing development in the Local Plan but it is allocated for residential purposes making the principle acceptable, subject to other considerations.

The development is not considered to be garden grabbing and the Council has no such policies in this regard that would be relevant to this proposal. With regard to comments with regard to overdevelopment and the high population and density of the area, the area is not considered overly dense and this proposal has a density of some 25 dwelling per hectare which is not excessive. Concern has been raised that this proposal will set a precedent for other green spaces in the area, however, each planning application is considered and determined on its own merits. With regard to comments that the developer may amend the application and apply for other development on the site, this proposal must be considered as submitted and any amendments/new scheme would require further permission. A neighbour refers to being refused themselves due to impact on adjoining residents, but as stated each application must be considered on its own merits.

Comments have been received that the proposal would turn the nearby footpath into an alley, causing security concerns, however, a fairly large green space will be retained between the dwelling and the adjoining properties in Heather Close. With regard to concerns about the creation of a through road and the loss of the cul-de-sac, this proposal does not propose such an alteration. A number of neighbours have commented that this proposal would result in the loss of four parking spaces at the end of the cul-de-sac, however, this area is a turning head and should not be used for parking in any case.

Neighbours have stated that the green space needs to be retained as garden areas are small and the park is too far away, however, dwellings in this area are provided with gardens and not all of the green space will be lost. There is no evidence that the proposal would increase flooding or noise in the area. Concerns about access to fences is a civil matter.

Conclusion

The proposal amounts to sustainable development as outlined in the National Planning Policy Framework and furthermore accords with the relevant Local Development Plan; all other material considerations have been assessed ; there would be no significant or demonstrable harm caused by the development and subject to conditions the recommendation is for approval.

7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 MAT01 Samples (details acceptable)

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

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

4 BOU01 Boundary treatment to be agreed (gen)

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

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

5 CON1 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. hours of working and hours during which deliveries may be taken at the site
- Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN02 landscaping, full, details not submitted

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

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

7 PARK01 Garage for parking only

Vehicular access to the garage shall not be restricted by any reduction in the size or change in the nature of the garage door and the clear space within the garage shall not be reduced in size through the construction of internal walls. The garage shall not be used or adapted for use for any purpose other than domestic storage and the parking of private motor vehicles associated with the dwelling and it shall not be used for habitable living accommodation of any kind.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

8 U08678

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

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

9 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof 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.

10SIT01 Site levels - to be submitted

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

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

11 U08679

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

12 U08680

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 interests of highway safety.

13 U08681

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 U08682

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

15 U08683

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

16 U08684

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

17 U08685

During the development process, the development shall be monitored by a qualified arboriculturalist.

Reason: In the interests of the visual amenity of the area.

18 U08706

No development shall take place until an ecological survey has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity.

Informative(s)

1 INF04

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

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

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

4 U02119

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

5 U02120

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title: LAND ADJACENT TO 61 IRIS CLOSE, PILGRIMS HATCH, BRENTWOOD
14/00935/FUL

Scale 1:1250 at A4

Date 19th November 2014

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



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SITE PLAN ATTACHED

**05. 5 CARISBROOK ROAD PILGRIMS HATCH ESSEX CM15 9PG
SINGLE STOREY FRONT EXTENSION.**

APPLICATION NO: 14/00869/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	03.10.2014
PARISH		POLICIES	CP1 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312616
Drawing no(s) relevant to this decision:	001; BR01 A; BR02 A;		

This application was referred by Cllr Mrs Davies from Weekly Report No 1660 for consideration by the Committee. The reason(s) are as follows:

I am referring it on the grounds that I consider that there would be adequate off street parking provision for two vehicles should be the application be allowed.

Update since publication of Weekly List 1660

Highway Authority response received: This Authority would recommend refusal for this application. Once the front is extended there would be limited space for only one parked vehicle for a 3 bedroom property which would be insufficient provision and lead to on-street parking. In addition to this, a vehicle parking across the frontage may even overhang the footway causing an obstruction and potential hazard to pedestrians.

1. Proposals

Single storey front extension (to replace an existing flat roof utility room measuring 2.2m in width and 2m in depth): 7.2m in width x 2m in depth and 3.4m in height; lean-to roof. The extension would accommodate a kitchen, shower room and porch.

2. Policy Context

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

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

T2 (New Development and Highway Considerations) refers to the need for proposals not to have an unacceptable detrimental impact on the transport system.

3. Relevant History

- 08/00388/FUL: Replacement Single Storey Front Extension And Single Storey Rear Extension -Application Permitted

4. Neighbour Responses

9 letters of notification were sent out. No letters of representation have been received.

5. Consultation Responses

- **Highway Authority:**

This Authority would recommend refusal for this application. Once the front is extended there would be limited space for only one parked vehicle for a 3 bedroom property which would be insufficient provision and lead to on-street parking. In addition to this, a vehicle parking across the frontage may even overhang the footway causing an obstruction and potential hazard to pedestrians.

6. Summary of Issues

The application site accommodates a three bedroom, end of terrace property within a residential area consisting of a mixture of semi-detached, terraced and flatted residential properties.

The main matters which require consideration as part of the determination of this application are the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties and parking provision.

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

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment.

The proposed extension would be single storey in height and would not extend closer to the site's frontage than the existing front projection. No.1 Carisbrook Close was extended in a very similar manner around 20 years ago (reference BRW/94/92). As a result of the design, height, position and size of the extension proposed, it is considered that the development would not be out of keeping with the existing dwelling and would not harm the character and appearance of the area, in compliance with the NPPF (section 7), the NPPGs and Policy CP1 (criteria i and iii).

The proposed extension, as a result of its position, height, size and design, would not result in harm being caused to the occupiers of any neighbouring residential property by reason of overlooking, dominance, loss of outlook, loss of sunlight or loss of daylight, in compliance with the NPPF (paragraph 17) and Policy CP1 (criteria ii).

Off-street parking for the existing dwelling is available on the site's frontage accessed by a dropped kerb positioned roughly centrally along the site's frontage with Carisbrook Road. The maximum depth of the existing frontage is 6.2m (western boundary) and narrows to a minimum of 3.5m (eastern boundary) but the area would be sufficient to accommodate two parked cars. The proposed extension would

reduce the maximum depth of this area to 4.5m and the area available for off-street parking so that only one vehicle could be parked on the site's frontage. The existing dwelling is a three bedroom property which would require the provision of a minimum of two off-street parking spaces to comply with the adopted parking standards. The inadequacy of the number of parking spaces would result in inconvenience for the occupiers of the extended dwelling and pressure for additional on-street parking to the detriment of local visual amenity and the inconvenience of other road users, contrary to Policies CP1 and T2. The Highways Officer supports this view. Planning permission was granted for a front extension to the property in 2008 (reference 08/00388/FUL) but this was for a smaller addition and approved at a time the adopted parking standards were set as maximums for residential properties and so is not comparable to the current proposal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08719

The proposal would result in an insufficient number of off-street parking spaces of adequate size which would be below the minimum number required to meet the Adopted Essex County Council: Parking Standards Design and Good Practice 2009. The inadequacy of the number of parking spaces would result in inconvenience for the occupiers of the extended dwelling and pressure for additional on-street parking to the detriment of local visual amenity and the inconvenience of other road users, contrary to Policies CP1 and T2 of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

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Title: 5 CARISBROOK ROAD, PILGRIMS HATCH, ESSEX CM15 9PG
 14/00869/FUL

Scale 1:1250 at A4

Date 19th November 2014

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



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SITE PLAN ATTACHED

06. OAKDENE DAYS LANE PILGRIMS HATCH ESSEX CM15 9SJ

TWO STOREY REAR EXTENSION AND INSERTION OF WINDOW TO NORTH ELEVATION

APPLICATION NO: 14/00857/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.09.2014
PARISH		POLICIES	NPPF NPPG CP1 GB2 GB5 T2 GB1
CASE OFFICER	Mr Martyn Earl		01277 312588
Drawing no(s) relevant to this decision:	SITE PLAN; BLOCK PLAN; 01 EXISTING ELEVATIONS; 02 EXISTING FLOOR LAYOUT; 03 PROPOSED FLOOR LAYOUT; 04 PROPOSED ELEVATIONS;		

This application was referred by Cllr Mrs Davies from Weekly Report No 1659 for consideration by the Committee. The reason(s) are as follows:

My reasons for referral is the exceptional circumstances of the family creating a need for additional accommodation. I am aware this is way over green belt allowance but consider this application to have very special circumstances as the family foster several children and are required by law to provide additional bedroom space. They are prepared to loose the outbuildings in a hope this may compensate for additional floor meterage

Update since publication of Weekly List 1659

The highways Authority have confirmed that they raise no objection to the proposed development

1. Proposals

Planning permission is sought for the construction of a two-storey rear extension and insertion of window to north elevation.

The proposed extension would have a 'Dutch barn' roof design and would have two dormer windows and a roof light on its eastern roof slope. The materials proposed for the external surfaces of the extension are clay roof tiles and black timber boarding and the extension would have painted timber windows to match those on the existing dwelling.

The proposed extension would be (approx.) 2.3m in depth, (approx.) 8.2m in width and up to (approx.) 4.65m in height. The extension would provide additional space to the kitchen and dining room at ground floor and the additional space at first floor would result in the creation of a fifth bedroom, as well as additional space to existing rear bedrooms.

The application is accompanied by a supporting statement that outlines that the applicant currently has three children of their own and that since 2011 they have fostered two other children which are siblings, who are now 12 and 13 and share a bedroom. This arrangement of sharing the bedroom is no longer suitable or sustainable, as the children continue to grow and mature. This view is also shared by the fostering agency that the applicant is registered with.

The agent considers that the proposed extension is the minimum required to achieve the necessary additional bedroom. To provide a bedroom at first floor level with the other bedrooms, clearly necessitates a ground floor extension. The ground floor extension would provide an increased dining and kitchen area. The planning statement sets out that the design of the proposal has been carefully considered to maintain a minimal sized extension, which is visually unobtrusive including the openness of the MGB. It is also considered that the proposal would not be visible from the front of the property and from the rear it will simply appear as if the rear part of the dwelling has been squared off.

It is the view of the applicant that it would have been a lot easier to have sought an alternative form of extension which would have less of an impact on the current living arrangements, however the applicant has chosen to square off the corner of the property which represents a minimal element.

The agent in the planning statement sets out that the foster children were originally housed with the family as a short term measure and they currently share a bedroom. As time has past for personal reasons it is highly unlikely that the children will return to the original parents and therefore a long terms solution needs to be found, which is for the two children to have separate bedrooms. The applicant has tried to sell the house in order for the family to relocate and even tried dropping the asking price by £100,000 but this did not attract any buyers.

2. Policy Context

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

At a local level there is the Brentwood Replacement Local Plan 2005 the most relevant Policies to this application are:

CP1 -General Development Criteria
T2 - New Development and Highway Considerations
GB1- New Development
GB2 -Development criteria
GB5 - Extensions to dwelling

3. Relevant History

- 98/00554/FUL: Erection Of Conservatory At The Rear. -Application Refused
- 04/00781/FUL: Formation Of Mansard Roof Together With Roof Extensions And Dormer Windows To Front, Rear And Both Sides -Application Refused
- 04/01194/FUL: Formation Of Mansard Roof Together With Dormer Windows To Front And Rear -Application Permitted
- 06/00815/FUL: Retention Of Increase In Height And Width Of Garage Together With Conversion To Games Room With Studio Over And The Retention Of Two No. Dormer Windows -Application Refused
- 06/01101/FUL: Retention And Alteration To Garage Comprising Reduction In Height And Increase In Width, Together With The Conversion To Games Room With Studio Over And 3 No. Dormer Windows At The Rear -Application Refused

4. Neighbour Responses

9 neighbour letters were sent out and the application was advertised on site.

Two letters of representation were received objecting to the proposal on the following grounds:

- The property has already been extended twice before over a seven year period and has doubled in size.
- The property has already been over extended compared to original, plus there has been the construction of an authorised separate building on the same plot.
- The existing unauthorised dormers overlook a neighbouring garden
- The proposed development would extend over a common boundary

The outbuildings that have been built on site have been investigated by the enforcement department and the cases have been closed. The construction of the dormer windows were approved under planning reference 04/01194/FUL. Any issues with regards to overhanging the common boundary are a civil matter and not a planning material consideration.

5. Consultation Responses

- **Highway Authority:**
No objection has been raised

6. Summary of Issues

Key Considerations

The main issues in the determination of this application are whether it is appropriate development within the Green Belt; the effect that the proposal would have upon the openness of the Green Belt; whether there are any very special circumstances to overcome inappropriateness or any other harm to the Green Belt; effect on the character and appearance of the area, neighbouring amenities and highway safety in terms of parking provision.

The application dwelling is located over 60m from Days Lane which is to the south. Access to the site is via a track between the properties on Days Lane known as "Alvadrea" and "Flame Tree" which are to the south of the application site. The properties within the surrounding area are of various designs and styles and to the north and east of the application site there is open fields as well as sporadic housing, which forms the openness to the character of the Green Belt in this location.

Whether the proposal is inappropriate development in the Green Belt.

The National Policy For Green Belts appears in Part 9 "Protecting Green Belt land" of the National Planning Policy Framework. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt which include assisting in safeguarding the countryside from encroachment.

The NPPF indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few

exceptions the construction of new buildings in the Green Belt is inappropriate development. However, paragraph 89 indicates that the extension or alteration of a Green Belt building may not be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original buildings (as defined in Annex 2 of the NPPF). Local Plan Policy GB5, takes a narrow approach when assessing the size of extensions within the Green Belt and restricts original habitable floor space to 37sqm, however this does not take into account the size of the original building.

When assessing the Green Belt implications therefore the principal issue to be considered is whether the extensions would be disproportionate. The NPPF provides no guidance on how the "proportionality" of a proposal should be assessed, however it is considered that a number of factors should be taken into account when determining whether an extension is disproportionate, including the massing, height, additional floorspace and scale.

The original property has already been extended by 58.2sqm and with what is currently proposed, this would be a total increase of 93.425sqm. The proposed extension combined with the existing additions would result in the original floor area of the property increasing by 178% and combined with the scale, mass and bulk of the extensions collectively would result in disproportionate additions over and above the size of the original building. As such the proposed development would conflict with Chapter 9 of the National Planning Policy Framework 2012 and Policy GB1 of the Brentwood Replacement Local Plan 2005.

Impact on openness

The proposed extension would result in additional built form and further harming the openness and permanence of the Green Belt which are its essential characteristics and as such the development is contrary to Paragraph 79 of the National Planning Policy Framework 2012 and contrary to Policy GB2 of the Brentwood Replacement Local Plan 2005.

Character and appearance

The proposed extension would have a design and appearance that would be in keeping with that seen on the existing dwelling in terms of the Dutch barn roof design, black weather boarding, clay roof tiles, buff brick and gable end pitched roof dormers. The position of the extension would infill an area to the northeast of the dwelling and given its scale it would not be visible from the highway. The windows and doors on the extension would have strong vertical detailing which would match that seen on the existing property. The design of the dormers that are proposed would be of a scale, mass bulk and design that is in keeping with those found on the existing property. Therefore the proposed extension would accord with Paragraph 60 of the National Planning Policy Framework 2012 and Policies CP1 (i) and (iii) of the Brentwood Replacement Local Plan 2005.

Effect on neighbouring occupiers

The extent of the works proposed and the siting of other residential properties means that there would not be a detrimental impact on neighbours in terms of over bearing effect or creating a general disturbance.

The siting of the dormers would facilitate views into the neighbouring garden of Maranatha. However given the existing situation, there would be no material impact on the level of overlooking that already exists. The proposed development therefore accords with Paragraph 17 of the National Planning Policy Framework 2012 and Policy CP1 (ii) of the Brentwood Replacement Local Plan 2005.

Highways

The works would result in the number of bedrooms the property has increasing from four to five. The highways authority have raised no objection to the proposal due to there being at least two plus off road parking spaces provided. As such it meets the adopted parking standards of (2 spaces for a dwelling over 2 bedrooms) and therefore the proposal accords with Policy T2 of the Brentwood Replacement Local Plan 2005.

Green Belt balance

The proposed development constitutes inappropriate development in the Green Belt, and furthermore, is harmful to the openness of the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

The agent makes reference to the fact that the additional space is required to provide additional space for the fostering needs of the family; that the development would be in keeping with the existing dwelling and would not have a detrimental affect on neighbours amenities.

Officers note the reasons stated for the additional space, i.e. that each child needs their own bedroom, however this situation is no different to many other families and is not a unique circumstance. It is considered that such requirements could be accommodated within the existing envelope of the building or by smaller extensions.

If permitted, the harm to the Green Belt will be permanent whereas there is no such requirement for the family to remain within the dwelling.

As a result, it is considered that none of these matters, either alone or in combination, would clearly outweigh the harm the development would cause to the Green Belt. It is recommended below that the planning permission is refused on this basis.

Conclusion

The proposals are inappropriate development in the Green Belt and furthermore are harmful to the openness of the Green Belt. The Government states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances; will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The proposals would not result in harm to the character or appearance of the area nor will they result in harm to the living conditions of the neighbours.

However, no considerations or very special circumstances have been demonstrated that would outweigh the harm identified to the Green Belt and the proposal therefore conflicts with the NPPF and local plan policies GB1 and GB2.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U08694

The site lies within the Metropolitan Green Belt where inappropriate development should not be approved except in very special circumstances. The proposed extensions would be disproportionate to the original dwelling and are a form of inappropriate development. Furthermore the extensions would be harmful to the openness of the Green Belt. No very special circumstances have been advanced that would outweigh the harm to the Green Belt and the proposal therefore conflicts with Chapter 9 of the National Planning Framework 2012 and GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 INF20

The drawing numbers listed above are relevant to this decision

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: OAKDENE, DAYS LANE, PILGRIMS HATCH, ESSEX CM15 9SJ
14/00857/FUL

Scale 1:1250 at A4

Date 19th November 2014

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



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SITE PLAN ATTACHED

**07. CALCOTT HALL FARM ONGAR ROAD PILGRIMS HATCH ESSEX CM15 9HS
EXTENSION TO EXISTING FARM BUILDING, CHANGE OF USE TO FARM
SHOP/CAFE, AND EXTENSION TO EXISTING CAR PARK**

APPLICATION NO: 14/00799/FUL

WARD	South Weald	8/13 WEEK DATE	18.08.2014
PARISH		POLICIES	NPPF NPPG GB1 GB15 GB19 GB2 CP1 T2
CASE OFFICER	Ms Sukhi Dhadwar		01277 312604
Drawing no(s) relevant to this decision:	01; 02; 03; 04;		

This application was referred by Cllr Mrs Coe from Weekly Report No 1658 for consideration by the Committee. The reason(s) are as follows:

The development is appropriate for the Green Belt. It would not detract from the openness of the Green Belt. There are special circumstances which would outweigh the harm created to the Green Belt. There is no harm to visual amenity, neighbouring residential amenity or highway safety.

Update since publication of Weekly List 1658

None

1. Proposals

Permission is sought to extend the existing farm building and change its use to a cafe and an extension to the existing car park. An extractor fan is proposed for the northern end of the building to extract kitchen fumes and provide ventilation.

An additional 60sqm is being proposed for car parking as a result of the extension displacing the existing 10 car parking spaces eastwards. This would involve hardstanding where there is currently grassed area.

The L shaped extension measures 6.1m wide, reducing to 1.8m wide after a depth of 3m. It has a total length of 19.1m and will raise the maximum height of the current building from 4m to 4.7m at the ridge of the proposed gable roof.

External finishes include black painted weatherboarding for walls, red clay pan tiles for the roof and 'neo-Georgian' style windows and doors.

The proposed hours of operation are between 8:30 and 16:30 on Mondays to Saturdays and 10:00 through to 14:00 on Sundays and Bank Holidays

The application indicates that the cafe will employ the equivalent of 8 full time staff. (2 full time and 2 part-time per shift).

The Planning Statement submitted with the application states that the building would be extended by 43 sqm (Gross internal floor area) and the extended building would be used as a cafe, principally for existing farm shop customers, specialising in dishes made from food produced on the farm.

It goes on to state that the cafe chef will be encouraged to use as much of the farm grown produce as possible, however to what extent that this will actually be the case is not quantified, as that it is dependent on the season and the success of the cafe. The applicant has a list of 50 food producers based in East Anglia from whom he currently sources non-home grown foods for the farm shop, and these sources would also supply the cafe.

The applicant asserts that the vast majority of customers will be "joint trippers" and there will be two deliveries a week in a small van.

2. Policy Context

The National Planning Practice Guidance (NPPG) was published by the Government on 6 March 2014. The Guidance supports the National Planning Policy Framework and provides users of the planning system with a specific body of advice and reference. All decisions upon planning applications must now have regard to NPPG as a material consideration.

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

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development ; in decision making, this means approving proposals that accord with the development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit or; specific policies within the Framework indicate that development should be restricted.

Chapter 9 of the Framework sets out the policy criteria for protecting the Green Belt; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 89 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt with some exceptions. The extension or alteration of a building may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Chapter 7 of the NPPF Requiring Good Design makes clear that good design is a key aspect of sustainable development. Design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Permission should be refused for development of poor design.

The development plan is the Brentwood Replacement Local Plan adopted in 2005.

Local Plan Policy CP1 (General Development Criteria) requires that development should

(i) Not harm character and appearance of an area;

- (ii) Not harm neighbouring residential amenity;
- (iii) Be of an acceptable design;
- (iv) Raise no significant parking or highway issues; and
- (v) Not give rise to pollution

Relevant Green Belt policies are:

Local Plan Policy GB1 (New Development); planning permission will not be given except in very special circumstances, for the extension of buildings, for purposes other than those appropriate to a Green Belt.

Local Plan Policy GB2 (Development Criteria); development should not conflict with the purposes of including land within the Green Belt, nor should it harm openness. Consideration will also be given of the effect on public rights of way; the impact on existing landscape features and whether it is satisfactorily located in respect of the surrounding landscape and any adjoining buildings.

Local Plan Policy GB15 (Re use and adaptation of rural buildings for small scale employment, tourism, Leisure and community uses): There is a presumption in favour of the re-use or adaptation of rural buildings for small scale employment, tourism, leisure or community uses provided

- (i) There is no greater impact than the original use upon the openness of the Green Belt;
- (ii) The building does not require major reconstruction.
- (iii) The new use should not require an extension of the building or additional open elements which might conflict with the openness of the Green Belt and purposes of including land within it.
- (iv) There is no unacceptable harm to surrounding countryside, landscape or wildlife.
- (v) The use would be unlikely to give rise to future requirements for further substantial areas of open land and operational development to be added to the re-used building and its immediate surroundings for inappropriate development.

Local Plan Policy T2 (New Development and Highway Considerations)

Planning permission will not be granted for proposals where the proposal (i) indicates an unacceptable detrimental impact on the transport system which cannot be resolved by agreed mitigation measures; and (ii) the proposal does not comply with County Highway Authorities guidance.

3. Relevant History

- 07/00004/AGR: Agricultural Determination For The Erection Of An Agricultural Building -Prior Approval is Not Required
- 08/00305/FUL: Extension To Existing Farm Shop -Application Refused

- 10/00688/FUL: Alteration To Entrance And Exit Arrangements Together With The Addition Of A New Covered Porch And Other Associated Works -Application Permitted
- 10/00755/FUL: Fitting Photovoltaic Cells To Roof Of Farm Shop As Well As To General Storage Barn -Application Permitted
- 11/00928/FUL: Use of agricultural building for brewing beer and associated parking area (falling within Class B2). -Application Permitted

4. **Neighbour Responses**

A site notice was displayed. At the time of the writing of this report no responses had been received

5. **Consultation Responses**

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application, subject to the following condition being attached to any approval, given

The existing use of the site, the location and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposal.

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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- **Environmental Health & Enforcement Manager:**

I have looked at the plans submitted and it would appear that the proposed extract ventilation to the extension is located at a distance from any residential property and therefore I would have no objections to this installation.

6. **Summary of Issues**

Background

A site visit confirms that although the northern corner of the building the subject of this application is physically attached to the farm store, it is of a lower height and there is no internal connection between the two. The application as submitted indicates that only the agricultural building is the subject of the proposal. It is considered that the farm shop and the agricultural unit are two separate planning units for the purposes of determining this application.

Pre-application advice was sought by the applicant (ref 13/06102/PREAPP). Officers responded that the proposed extension to the existing agricultural building would result in an extension which was a 62% increase in size. This together with the additional height and additional space required to maintain current parking provision would be an inappropriate development within the green belt and as such is by definition inappropriate development and contrary to Paragraph 89 of the NPPF.

Site

The proposal site is situated within the Calcott Hall Farm complex. The application building comprises a rectangular shaped interwar building currently used for agricultural storage and accommodation for seasonal workers. It is situated within a farm buildings complex which includes a shop (to which it is partially attached), a bungalow, other agricultural buildings and a brewery. The site is accessed from a long drive south west from the Ongar Road.

The site is designated as being within the Metropolitan Green Belt

The main issues which are relevant to the determination of this application are:

- (a) Impact on the Green Belt
- (b) Character and appearance
- (c) Sustainability
- (d) Highway considerations

Green Belt

The site is within the Metropolitan Green belt. The National Policy for Green Belts is within Chapter 9 titled "Protecting Green Belt Land". The NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes that Green Belt serves are set out at paragraph 80 of the NPPF:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal involves both operational development (extension to building) and a change of use of the extended building.

Paragraph 90 of the framework indicates that within Green Belts the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction, the openness of the Green Belt is preserved and the use

does not conflict with the purposes of including land in the Green Belt. In this case the building is permanent and substantial but an extension is proposed, including raising the height of the entire ridge line. New development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the NPPF.

Local Plan policies GB1 and GB2 are broadly in compliance with the aims and objectives of national green belt policy. The NPPF (paragraph 89) states that one of the exceptions to inappropriate development within the Green Belt is the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF provides no guidance on how the "proportionality" of a proposal should be assessed. However it is considered that a number of factors should be taken into account when determining whether an extension is disproportionate, such as floor space, mass, height and volume.

The application site as submitted refers only to the agricultural building adjoining the farm shop. The existing building has a floor area of 70sqm; the extended floor area totals 113sqm bringing the resulting floor area to 113sqm; this represents an increase in floor area of 62%. In terms of height, the ridge line would be raised for the full length of the building by 700mm and finished with a gable end; the building would be extended both in length and sideways. Overall the extension would be disproportionate to the original building and harmful to the openness of the Green Belt, which is "inappropriate development" within the Green Belt.

In terms of the hardstanding extension, openness would be affected by the presence of additional parked vehicles which would be likely to be greater in numbers than would be attracted to the existing uses. This state of affairs would however, not be a permanent feature of the use.

The proposal would result in urban based uses (cafe) and activity encroaching into the countryside. The use of premises within the countryside for urban based activities may result in those uses being displaced from urban based venues. It is however, considered unlikely that this would detract from the recycling of urban land. Overall it is considered that the proposed use would not materially detract from openness; however, it would result in the encroachment of urban based uses and activity into the rural green belt and it would therefore be "inappropriate development".

As inappropriate development it would conflict with Policies GB1 and GB2 of the Brentwood Replacement Local Plan. Policy GB15 (re-use and adaptation of rural buildings for small scale employment, tourism, leisure and community uses) is the only relevant Local Plan policy that specifically considers the change of use of buildings in the Green Belt and therefore the provisions of the policy are helpful in assessing the application proposal. GB15 indicates a presumption in favour of the re-use of rural buildings for small scale employment, and sets out criteria against which proposals are to be considered. The Local Plan does not define "small-scale",

the applicant has not indicated how many tables or covers the café would serve but given the relatively limited floor area it is considered that the use would fall within that definition.

The first criterion indicates that the proposal should not have a materially greater impact on the openness of the Green Belt than the original use. This aspect of policy GB15 does not however, refer to the requirement to judge the proposal against the purposes of including land in the Green Belt and therefore in this respect it is not consistent with the NPPF or with policy GB2. It is considered that when determining proposals that fall within the scope of policy GB15, it is necessary to have regard to the purposes of the Green Belt.

As already indicated, the proposal would result in the encroachment of urban based use and activity into the green belt ; the proposal therefore fails this criterion.

The second criterion of policy GB15 considers the nature of the building. It indicates that it must be permanent and substantial and capable of conversion without major reconstruction or alteration. The building would satisfy this criterion.

Criterion 3 indicates that the use should not require the extension of the building or additional "open elements" which might conflict with the openness of the Green Belt and the purposes of including land within it. The proposed extension would materially detract from openness; the more intensive use of the car parks and the general activity associated with the use would result in an encroachment of a use that would be serving an urban based population into the rural Green Belt area and in this case, that encroachment would extend beyond the parts of the site already used (and into the field to the east) and would fail this criterion.

Overall it is considered that the proposal would be inappropriate development that would conflict with Local Plan policies GB1, GB2 and GB15.

Character and Appearance

This proposed extension which will remove the existing corrugated fibre cement sheets on the roof and replace with red clay pan tiles is sympathetic to appearance of the farm building.

The proposal would however increase the level of activity on the site and this would be evident by the number of vehicles parking on the site, traffic flows to and from the site, including general activity, and this would further detract from the character of the rural area and would conflict with policy CP1 of the Brentwood Replacement Local Plan.

Sustainability of location

The site is close to the built up area of Pilgrims Hatch and Brentwood Town Centre, however, the site is not served by public transport and can only be accessed by a 400m private road. It is therefore likely that the customers visiting the proposed cafe will do so by car. One of the core planning principles of the NPPF is the requirements that the Council should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. The proposed use would materially increase the level of activity on the site and would be likely to result in an increased number of vehicles being parked on the site.

Overall it is considered that this is not a sustainable location for a cafe and that the general presumption in favour of sustainable development within the National Planning Policy Framework does not apply to this proposal and also conflicts with Policy CP2 of the Brentwood Replacement Local Plan.

Are there any very special circumstances which would clearly outweigh the harm to the Green Belt?

The Town and Country Planning (Use Classes) Order 1987 (as amended) would allow the temporary change of use of the building to a cafe for a single period of up to two years. Given the investment required to achieve this temporary change use, it is considered highly doubtful that the applicant would pursue this option and this is not therefore a valid 'fallback' position. There are no suggestions that the use would be required to assist the already economically viable diverse use of the wider Calcott Farm site. No 'very special circumstances' exist to outweigh the harm that the proposal would cause to the Green Belt.

The Planning Balance

It has been identified that the proposed use is inappropriate development within the Green Belt and would cause harm to the Green Belt by encroachment of urbanisation as well as detracting from the character of the rural area. Although the Framework states that planning policies should support economic growth in rural areas, development should be undertaken in a sustainable way and respect the character of the countryside. In this instance, officers do not consider that the 'very special circumstances' put forward outweigh the harm caused by the inappropriate use or the other harm to the rural countryside that would arise.

Conclusion

The NPPF states that the starting point for decision making at local level is the development plan which is the Brentwood Replacement Local Plan and that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The aims of the general Green Belt policies within the

Plan (GB1 and GB2) are consistent with those of the NPPF and therefore they still carry significant weight. Local Plan Policy GB15 is worthy of consideration in relation to the proposal and it is considered that its objectives, as regard both the Green Belt and the countryside, are generally consistent with the NPPF.

It is considered that the proposal would be inappropriate development in the Green Belt. In addition to the Green Belt considerations the proposal would detract from the character and appearance of the countryside thereby conflicting with Brentwood Replacement Local Plan CP1 (i).

The site is also remote from public transport and is not in a sustainable location. The use would involve the movement of people by primarily private vehicle use. It is therefore considered that the proposal would conflict with the Local Plan Policy CP2 (i) and (ii) and the objectives of the NPPF in supporting sustainable transport choices.

Only those proposals which jointly achieve economic, social and environmental gains can be considered to be sustainable development which the NPPF and local plan policies promote. The proposal fails to take account of the social and environmental dimensions of sustainable development and in this instance, there are no material considerations that would indicate that any other benefits of the scheme would outweigh the significant harm caused to the Green Belt and to the character of the countryside.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08592

The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan 2005 and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green belt and would result in significant and demonstrable harm to the openness of the Green Belt. There are no very special circumstances which would justify the granting of planning permission for the café development and as such the proposal is contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1, GB2 and GB15 of the Brentwood Replacement Local Plan 2005.

R2 U08645

The proposed level of use of the land, buildings and hardstanding would result in the further encroachment of urban based uses and activity into the rural green belt and constitute inappropriate development. It would therefore be contrary to one of the five purposes of Green Belt according to National Planning Policy Framework paragraph 80 and Local Plan Policies GB1 and GB2.

R3 U08899

The proposed use would result in an increase in urban based uses on a site that is not in a sustainable location which would detract from the character and appearance of the countryside, therefore conflicting with the Brentwood Replacement Local Plan CP1 and the core principles of the National Planning Policy Framework.

Informative(s)

1 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, GB15, GB19, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 U02114

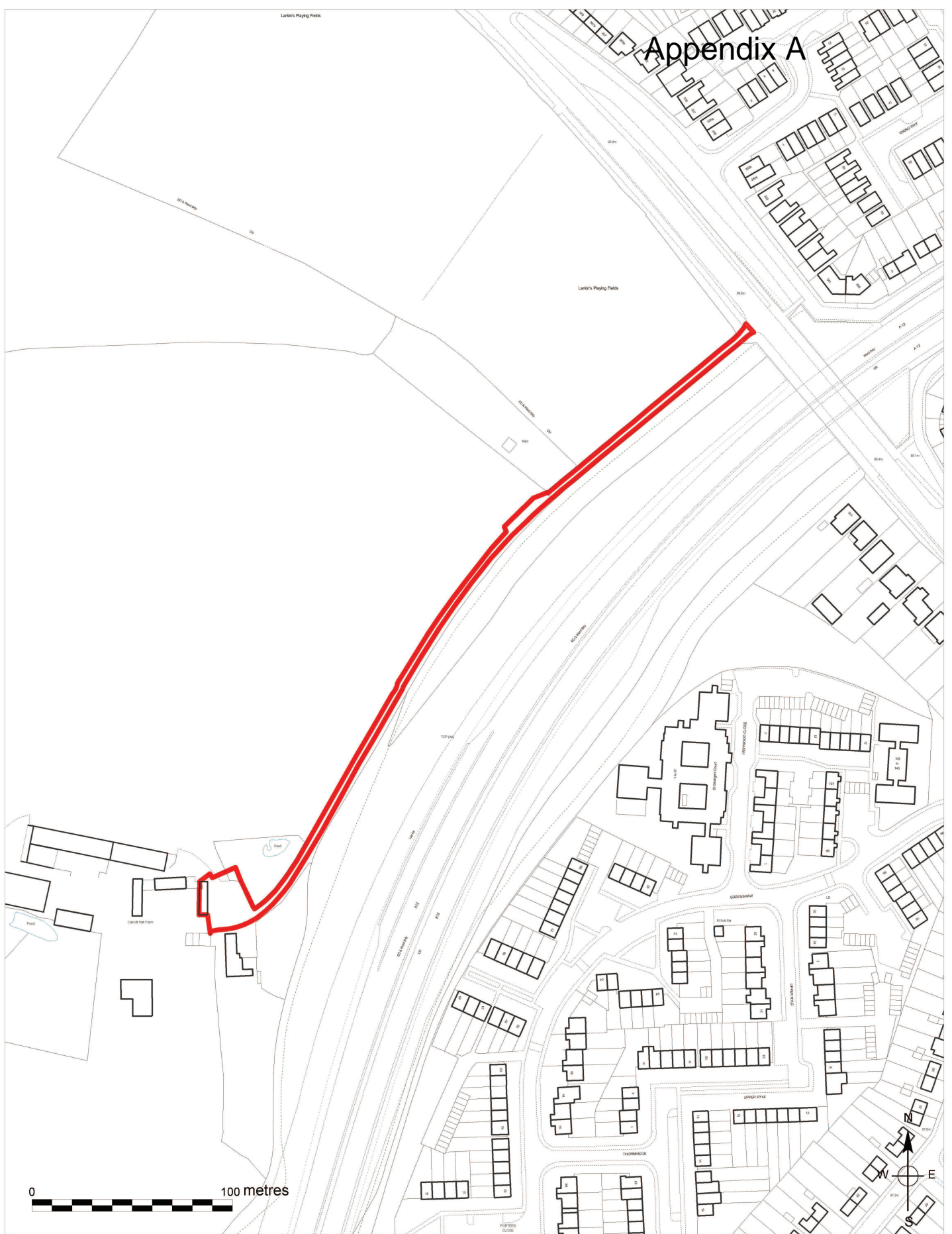
The Local Planning Authority has acted positively and proactively in determining this application by clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: Calcott Hall Farm, Ongar Road, Pilgrims Hatch, Essex CM15 9HS
14/00799/FUL

Scale 1:2500 at A4

Date 19th November 2014

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



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SITE PLAN ATTACHED

**08. HUTTON COMMUNITY CENTRE HARRISON CLOSE HUTTON ESSEX CM13
1LP**

**PART CHANGE OF USE OF COMMUNITY CENTRE (D1) TO A CAFE (A3)
PROVIDING HOT FOOD AND DRINK**

APPLICATION NO: 14/00933/BBC

WARD	Hutton North	8/13 WEEK DATE	13.10.2014
PARISH		POLICIES	LT8 LT11 NPPF NPPG CP1 PC4 T2
CASE OFFICER	Mr Martyn Earl		01277 312588
Drawing no(s) relevant to this decision:	001; 002;		

1. Proposals

The application has been submitted by the community service team as the proposal relates to a council owned asset

Planning permission is sought for the part change of use of community centre to a cafe providing hot food and drink.

This application relates to a small section of the community centre (75.64sqm approx, 8% of the existing building) which is currently used as a bar area on the southern side of the building.

The proposed cafe would operate between 07:30 and 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays. The rest of the building operates between 07:00 to 00:30 Monday to Sunday including Bank Holidays.

2. Policy Context

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

The National Planning Practice Guidance (NPPG) came into effect on the 6th March 2014 and is a material consideration in the determination of this application.

At a local level there is the Brentwood Replacement Local Plan 2005 the most relevant Policies to this application are:

CP1 -General Development Criteria

PC4 - Noise

T2 - New Development and Highway Considerations

LT8 - Use of Redundant Institutional, Recreational and Community Buildings

LT11 - Retention of Existing Local Community Facilities

3. Relevant History

- None

4. Neighbour Responses

6 neighbour letters were sent out and the application was advertised on site.

None received

5. Consultation Responses

- **Environmental Health & Enforcement Manager:**
 1. Sufficient toilet extraction/ventilation needs to be provided to the toilets situated in the centre of the development without windows. Any mechanical ventilation must be capable of supplying fresh air to at least 1 air change/hour. Details of all plant and machinery associated with the proposed buildings within the development (especially any air handling equipment) will need to be agreed with the Council to ensure noise and vibration levels do not adversely affect residents.

2. The extraction system for the kitchen will require adequate odour control and noise attenuation measures and will normally be required to terminate at least 1m above the highest roof level and the efflux velocity of the discharge shall be a minimum of 15m/sec. A suitable flue termination such as Scandinavian sleeve must be provided. This Service, as a matter of course with such applications, would require an activated carbon filtration system to be installed.

3. A suitable and sufficient grease trap shall be installed within the foul drainage system.

4. Details for the disposal of waste from the premises must be agreed with the local planning authority prior to commencement.

5. Details of any plant and machinery shall be agreed with the local planning authority with regard to its acoustic performance and associated with this plant a noise impact assessment must be carried out and submitted to this authority in order to ensure that there is an adequate level of protection against noise to nearby residential premises

- **Highway Authority:**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

6. Summary of Issues

Summary of Issues

The application site is located to the west of Hutton playing fields accessed by a single vehicular point off Harrison Close. To the north are a number of residential houses, the nearest one being over 25m metres away from the community hall and to the south there are a number of buildings used for commercial purposes (public house, a dental practice and retail). The section of building subject to this application is located on the southern side.

The site is allocated as Indoor Recreation in Local Plan and Policies LT8 and LT11 are applicable. The building is not redundant and nor would this proposed change of use seek to convert the whole of the building and as such it would not conflict with these Policies. The change of use of this section of the building would mean that rather than it being used as a bar area it would now be used as a cafe. Therefore this change would not result in the loss of any indoor recreational space.

Key Considerations

The key issues in the determination of this application are the effect that the proposal would have upon the character and appearance of the area, the effect on the living conditions of neighbouring occupiers and impact on highway safety in terms of parking provision.

Character and appearance

The proposed change of use would result in no alterations to the external appearance of the building and therefore there would be no impact on the built form of the area. The application therefore accords with Paragraph 17 of the National Planning Policy Framework 2012 and Policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan 2005.

Effect on neighbouring occupiers

The proposed hours of operation (07:30 and 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays) would be less than the rest of the community centre. Following the advice of the Environmental Health officer, planning conditions requiring additional details of any plant and/or machinery of extraction systems for the kitchen which are to be installed are required, for the reason of protecting neighbouring amenities in terms of noise. A condition was suggested by the Environmental Health Officer to ensure that a grease trap is installed in the foul water drainage system, this has not been imposed as it falls outside the planning remit. An informative has been attached to advise the applicant of this potential issue.

Details have been provided on the application forms which sets out that a 1100litre bin will be used to store rubbish and collected weekly by a waste contractor, this will also be controlled via a condition.

Given the hours of operation proposed and subject to the imposition of the aforementioned conditions the proposed change of use would accord with Policies CP1 (ii) and TC4 of the Brentwood Replacement Plan 2005.

Highways

No objection has been raised by the Highway Authority and given that there are 50 parking spaces provided on site and it is located close to good public transport links, it means that the proposed change of use would accord with Policy T2 of the Brentwood Replacement Local Plan 2005.

Conclusion

For the reasons as set out above the proposed change of use would have no detrimental impact on the character and appearance of the built form or in terms of highway safety. This change would be considered an enhancement rather than a loss of indoor recreation space, as it would be used in conjunction with other operations within the community hall. Subject to the imposition of the aforementioned conditions there would be no harm to neighbouring amenities as a result of this development. The application therefore accords with Paragraph 17 of the National Planning Policy

Framework 2012 and Policies CP1,T2, PC4, LT8 and LT11 of the Brentwood Replacement Local Plan 2005.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority 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 U08784

The proposed cafe use shall not be open for customers outside the following hours 07:30 and 20:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays.

Reason: To safeguard the living conditions of nearby residents.

4 U08785

The use shall not commence until full details have been submitted to and approved in writing by the Local Planning Authority of the how odour control will be dealt with on site. The efflux velocity of the discharge from such a system shall be a minimum of 15m/sec and shall include an activated carbon filtration system. The ventilation system shall be carried out in accordance with the subsequently approved details and shall be thereafter maintained so long as the cafe remains operational.

Reason: To safeguard the living conditions of nearby residents.

5 U08786

The use shall not commence until operational details of any plant and machinery (including its acoustic performance and associated with this plant a noise impact assessment) have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the subsequently approved details and shall be thereafter retained so long as the cafe remains operational.

Reason: To safeguard the living conditions of nearby residents.

6 U08887

The use shall not be commence until details have been submitted to and approved in writing by the Local Planning Authority of the weekly waste collection arrangements and the subsequent collections shall be carried out in accords with the approved details.

Reason: To safeguard the living conditions of nearby residents.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, PC4, LT8 and LT11 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF04

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

3 INF21

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

4 U02144

It is brought to the applicants attention that a suitable and sufficient grease trap should be installed within the foul drainage system. For further advice on this matter please contact the Environmental protection team on (01277) 312647

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title: HUTTON COMMUNITY CENTRE, HARRISON CLOSE, HUTTON, CM13 1LP
14/00933/BBC

Scale 1:1250 at A4

Date 19th November 2014

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



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SITE PLAN ATTACHED

09. GREAT EASTERN MAIN LINE THROUGH BRENTWOOD BOROUGH HUTTON ROAD SHENFIELD ESSEX

CROSSRAIL INFRASTRUCTURE AND STATION WORKS IN BRENTWOOD BOROUGH COUNCIL, INCLUDING WORKS AT BRENTWOOD STATION, SHENFIELD STATION AND SIDINGS.

APPLICATION NO: 14/01016/CROSS

WARD	Shenfield	8/13 WEEK DATE	19.11.2014
PARISH		POLICIES	NPPF NPPG CP1 T2 PC4
CASE OFFICER	Mr Martyn Earl	01277 312588	
Drawing no(s) relevant to this decision:	ENVIRONMENTAL MANAGEMENT PLAN; WRITTEN STATEMENT FOR INFORMATION; CRL1-NRI-T-QAP-CR001-50108;		

1. Proposals

At the request of members this application is being reported to planning committee to ensure that it is debated within the public arena.

The submitted application is for the formal determination of details pursuant to the proposed construction arrangements to facilitate the crossrail infrastructure and station works in Brentwood, including those at Brentwood station, Shenfield station and sidings.

Process and matters for consideration

The Crossrail Act 2008 deems planning permission is to be granted for the works authorised by it, subject to the conditions set out in Schedule 7. In paragraph 16 schedule 7 part 3 of the Crossrail Act 2008 it sets out that development shall be carried out in accordance with arrangements approved by the district planning authority at the request of the nominated undertaker with respect to matters of (in this case) storage sites, screening, artificial lighting, suppression of dust and mud on highway. Each of the aforementioned matters will be considered under separate sections of the subsequent report.

2. Policy Context

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

At a local level there is the Brentwood Replacement Local Plan 2005 the most relevant Policies to this application are:

CP1 -General Development Criteria

PC4 - Noise

T2 - New Development and Highway Considerations

3. Relevant History

- None

4. Neighbour Responses

Notifications letters were sent to the following:

- Environment Agency
- Natural England
- The scheduled Ancient Monument Society
- English Heritage
- County Archaeologist
- Essex County Council (Highways) and the
- Essex Wildlife Trust

There has also been consultation with the Council's historic buildings advisor, arboriculturalist, and the Environmental Health team.

5. Consultation Responses

- **Highway Authority:**

A copy of the representation that has been received can be found in Appendix B of this report. The point that has been raised with regards to wheel washing facilities are assessed as part of this application. All other matters raised are not for consideration under this application and are dealt with via separate legislation in terms of the Crossrail Act 2008 itself or the Control of Pollution Act 1974.

- **Environmental Health & Enforcement Manager:**

Environmental Management Plan provided with the application. It would appear that most of our potential issues are covered in the Environmental Management Plan and that remaining noise issues will be dealt with by applications under s.61 Control of Pollution Act 1974; therefore we have no objections to the application.

- **Environment Agency:**

We have reviewed the information and have no objection to the application. We will be consulted separately on a Schedule 17 part 3 (protection of land drainage, flood defences, water resources and fisheries) application in relation to works at Shenfield Sidings.

- **Historic Buildings And Conservation Officer:**

No comments at time of writing report.

- **Arboriculturalist:**

No comments at time of writing report.

- **County Archaeologist:**

The Historic Environment advisor of Essex County Council has been consulted on the above planning application for infrastructure and station works at Brentwood and Shenfield stations. Following consultation of the Essex Historic Environment Record (EHER) this application has no archaeological implications and there is no requirement for any archaeological investigation at the various sites.

- **Natural England:**

After careful consideration of the information provided, it is our opinion that this proposal does not affect any priority areas for Natural England, therefore we do not object to the proposal. However, if you are aware of any reason why Natural England should comment further on this application please let us know as soon as possible.

Although Natural England does not wish to offer any substantive comments, we welcome and broadly support the mitigation proposals under Section 2.9.4 Ec01 to Ec06, Ec08 to Ec11 and Ec14 of the Environmental Management Plan. We also acknowledge and welcome the reference to Thorndon Park Site of Special Scientific Interest (SSSI), approximately 800 metres to the south east, which is not deemed to be impacted by this submission.

- **The Ancient Monuments Society:**
No comments at time of writing report.

- **Essex Wildlife Trust:**
No comments at time of writing report.

- **English Heritage:**
The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

6. Summary of Issues

Background

The Crossrail Act 2008 made the "provision for a railway transport system running from Maidenhead in the county of Berkshire and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the County of Essex and Abbey Wood, in the London Borough of Greenwich: and for connected purposes"

The Act deems planning permission for the works authorised by it, subject to the conditions set out in Schedule 7. This schedule includes conditions requiring various matters be subject to the approval of the relevant local authority.

This is therefore a different planning regime to that which usually applies in England (i.e. the Town and Country Planning Act) and is different in terms of the nature of submissions and the issues that the local planning authorities (LPAs) can have regards to in determining requests for approval. There are two types of submission that can be made by the nominated undertaker (For these works Crossrail Limited (CRL) are the nominated undertaker) under Schedule 7 these are:

- o Permanent works or
- o Temporary works

The details of the permanent works that will be submitted are commonly referred to as 'plans and specifications' (reflecting the description within paragraphs 6, 15 and 21 of Schedule 7), whilst the temporary works details to be submitted are commonly referred to as 'construction arrangements' (reflecting the description in paragraphs 7, 16 and 22 of Schedule 7).

In Paragraph 1.4 of the submitted Crossrail Environmental Minimum Requirements (EMR) it states that "any nominated undertaker will be contractually bound to comply with the controls set out in the EMR and as may be developed during the passage of the Act through Parliament". The scope of the EMR encompasses the Crossrail Construction Code.

For the reasons as set out in Part 1 of schedule 7 of the Crossrail Act 2008 Brentwood Borough Council is a qualifying authority and as Brentwood is not a unitary authority it means that this application is to be considered under Part 3 of Schedule 7 of the Crossrail Act 2008.

The application that has been submitted is for matters that relate to the 'construction arrangements' (temporary works). These matters are as follows: storage sites, screening, artificial lighting, suppression of dust and mud on highways.

In paragraph 16 schedule 7 part 3 of the Crossrail Act 2008 it sets out that development shall be carried out in accordance with arrangements approved by the district planning authority at the request of the nominated undertaker with respect to matters of (in this case) storage sites, screening, artificial lighting, suppression of dust and mud on highway. Each of the aforementioned matters will be considered under separate sections of the subsequent report.

Storage sites

These are defined as sites on land within the relevant limits at which -

- (a) Minerals, aggregates or other construction materials required for the development, or
- (b) Spoil or top soil,

are to be stored until used or reused in carrying out the development or disposed of as waste

The only grounds that the local planning authority may refuse to approve are:

That the arrangements ought to be modified -

- a) To preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value or
- b) To prevent or reduce prejudicial or reduce effects on road safety or on the free flow of traffic in the local area,

and are reasonably capable of being modified.

The drawings that have been submitted show that there will be storage sites at

o Nag's Head Lane

One worksite is proposed to the east of Nag's Head Lane, making use of an existing railway maintenance access point on the southern side of the railway. The site comprises an area of hardstanding immediately adjacent to the railway with an access off Nag's Head Lane.

o Brentwood Station

One worksite is proposed to the north-east of Brentwood Station. This will occupy part of the Alexandra Road station car park to the east of Rose Valley.

o Shenfield Station and Sidings

A number of worksites will be used to support works at Shenfield Station and the railway sidings to the northeast and southwest of the station.

To the southwest of the station, the south-western end of the existing sidings (formerly known as the Hack Sidings) will be used to support works in this area. Access will be from Gordon Road. An additional section of the western railway embankment within the existing sidings just beyond the station platforms and to the south of Friar's Avenue Car Park will also be used.

Immediately to the west of Platform 5, part of the adjoining Friar's Avenue public car park will be used to support station works in this area. Access will be from Friar's Avenue. Vacant areas at the far north-eastern end of platforms 3/4 and 5 will also be used to support works at the station.

Storage of construction materials and spoil will take place at certain areas within the working sites and/or construction sites. Storage sites will be located to limit environmental effects, as far as is reasonably practicable, and having due regard to neighbouring accommodation, as far as allowed by the constraints of the site (section 3.3.1 of the Construction Code).

The following controls will apply to storage of materials, including spoil and top soil, on the construction sites:

- (a) seed or seal medium or long term excavated material and soil stockpiles;
- (b) ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery;
- (c) store materials with the potential to produce dust away from site boundaries where reasonably practicable;
- (d) ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out;
- (e) minimise the amount of excavated material held on site;
- (f) sheet, seal or damp down unavoidable stockpiles of excavated material held on site, where required; and
- (g) avoid double handling of material wherever reasonably practicable.

In the responses received from the consultation process there has been no concern raised with regards to the position of the storage sites and their impact on the local

environment, local amenity or any sites of archaeological/historic or nature conservation value .

The response from the Highways Authority raises concern with regards to the work site at Friars Avenue in terms of possible issues with access to the car park, and the segregation of works traffic and other traffic using the remaining car park. Concern has also been raised at the loss of some parking spaces in Gordon Road to provide access to a works site and the reduction in the parking spaces at Mount Avenue and Hunters Avenue car parks.

The applicant has responded to the comments made by the Highways Authority. In terms of the loss of parking spaces in Gordon Road, Crossrail are in discussion with the with nearby Chumleigh Court to ensure that repairs are carried out to an existing disused area of parking to make up for the temporary reduction in car parking provision in Gordon Road.

Crossrail have advised that the concerns raised with regards to the loss of spaces at Friars Avenue and Mount Avenue will be discussed at Traffic Liaison Groups which are to be set up. The car park at Friars Avenue is owned by the Council and therefore as land owner it has control over what works are carried out on its land. There have been a number of undertakings and assurances that have been made to the Council by Crossrail with regards to the parking arrangements as well as for the access of vehicles on, off and around its lands, this would also be subject to a section 47 agreement (under the Crossrail Act 2008). This is a legal agreement and therefore the council would be in a position (should it choose) to wait until it is satisfied that it has the full details of the revised parking arrangements and vehicle access on to its land prior to the signing of this agreement.

It is therefore considered that the details submitted for the matters of the storage sites would not prevent or reduce to a prejudicial level road safety or the free flow of traffic in the local area.

Screening

The Act defines screening as ' The provision where necessary on land within the relevant limits of any screening for working sites on such land required for the purposes of carrying out the development'

The only grounds that the local planning authority may refuse to approve are:

That the arrangements ought to be modified -

- a) To preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value or
- b) To prevent or reduce prejudicial or reduce effects on road safety or on the free flow of traffic in the local area,

And are reasonably capable of being modified.

The hoardings or fencing that would be used would differ from location to location but the standard hoarding would be 2.4m in height and maybe up to 3.6m to form a sufficient acoustic barrier.

The nominated undertaker will adhere to the principles set out in Section 3.3 of the Construction Code and ensure, as far as reasonably practicable and appropriate, that the site layout and appearance will be designed using the following principles:

- a) sites at prominent locations will be screened;
- b) all sites will be fully secured;
- c) existing features will screen the sites where appropriate.

Hoarding or fencing will vary from location to location but will accord with the following principles (as set out in Section 3.3.4 - 3.3.6 of the Construction Code):

- a) at all worksites the standard hoarding will be 2.4m in height and may be raised to 3.6m and possibly altered in form to enhance acoustic performance for specific locations. It will be plywood faced, timber framed hoarding suitably painted;
- b) suitable measures will be used for tree protection as set out in Section 10.4 of the Construction Code;
- c) where reasonably practicable existing walls, fences, hedges and earth banks will be retained;
- d) notices will be displayed on all site boundaries, where appropriate, to warn of hazards on site such as deep excavations, construction access, etc;
- e) appropriate sight lines/visibility splays will be maintained to ensure safety of both vehicles and pedestrians is preserved; and
- f) temporary fences may be used in certain areas, such as for short term occupation of sites or at more remote locations.

In the responses received from the consultation process there has been no concern raised with regards to the position of the screening and its impact on the local environment, local amenity, any sites of archaeological/historic or nature conservation value or in terms of road safety and free flowing traffic in the local area. Therefore the works involved with this application accord with the National Planning Policy Framework 2012 and Policies CP1, PC4 and T2 of the Brentwood Replacement Plan 2005

Artificial Lighting

In terms of the matters for consideration with regards to artificial lighting the Act states 'The use of artificial lighting on land within the relevant limits for the purpose of carrying out the development'

The ground that the local planning authority may refuse to approve is:

That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.

The information that has been received with this application includes a lighting management plan. The objectives of this plan is to provide adequate lighting on construction sites ensuring a safe and secure worksite but avoiding incorrectly positioned site lighting that may cause nuisance or may unnecessarily interfere with local residents, railway operations, passing motorists or the navigation of lights for air traffic.

The extent of the area to be lit will vary during the different stages of construction according to area of construction, security and health and safety requirements, as set out in Section 3.4 of the Construction Code.

Site lighting will be provided to ensure the safety and security of the construction sites and will be at the minimum luminosity necessary. Where appropriate, lighting to site boundaries will be provided and illumination will be sufficient to provide a safe route for the passing public. In particular, precautions will be taken to avoid shadows cast by the site hoarding on surrounding footpaths, roads and amenity areas.

Appropriate industry standard procedures will be implemented at all construction sites for site lighting. Lighting will also be designed, positioned and directed so as not to unnecessarily intrude on adjacent buildings, wildlife sites and land uses and so as not to prevent interference with local residents, railway operations, road traffic signals and signing, passing motorists or navigation lights for air or water traffic. This provision will apply particularly to sites where night working will be required.

The lighting will also be designed to comply with the provisions of BS5489, Code of Practice for the Design of Road Lighting, where applicable. Further guidance is contained within Guidance Notes for the Reduction of Light Pollution, 2000, published by the Institute of Lighting Engineers.

Given the submitted information and that no adverse comments have been raised in any of the responses to the consultation, the works involving the artificial lighting are considered acceptable in terms of local environment and local amenity. Therefore the works involved with this application accord with the National Planning Policy Framework 2012 and Policies CP1 and PC4 of the Brentwood Replacement Plan 2005

Suppression of dust

In terms of the matters for consideration with regards to the suppression of dust the Act states 'The suppression of dust caused by construction operations carried on land within the relevant limits for the purpose of carrying out the development'

The only ground that the local planning authority may refuse to approve is:

That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.

The Brentwood Station and Nag's Head Lane worksites have been identified as low potential for dust nuisance, and consequently tier 1 dust control procedures(as set out below), will be implemented where appropriate. The Shenfield Station and Sidings worksites have been identified as medium risk, and consequently Tier 1 and 2 dust control measures will be implemented where appropriate. Alternatives may be proposed to suit the detailed construction arrangements providing the resulting control is at least as effective as that arrived at using the specified measures

Tier 1 measures controlling the emissions from dust from worksites.

- ensure no burning of waste materials takes place on site;
- ensure an adequate water supply on the site;
- ensure disposal of run-off water from dust suppression activities, in accordance with the appropriate legal requirements;
- maintain all dust control equipment in good condition and record maintenance activities;
- keep site fencing, barriers and scaffolding clean using wet methods;
- provide easily cleaned hardstanding for vehicles;
- ensure regular cleaning of hardstandings using wet sweeping methods;
- not allow dry sweeping of large areas;
- provide and ensure the use of wheel-wash facilities near the site exit wherever there is a potential for carrying dust or mud off the site;
- fit wheel-washes with rumble grids to dislodge accumulated dust and mud prior to leaving the site wherever there is a potential for carrying dust or mud off the site and where reasonably practicable;
- ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever site size and layout permits;
- install hard surfaced long term haul routes, which are regularly damped down with fixed or mobile sprinkler systems and regularly cleaned;
- inspect haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable;
- record all inspections of haul routes and any subsequent action in a site log book which may be in hard or electronic format;
- ensure that un-surfaced haul routes and work areas are regularly damped down in dry conditions;
- routinely clean public roads and access routes using wet sweeping methods;
- ensure vehicles working on site have exhausts positioned such that the risk of re-suspension of ground dust is minimised (exhausts should preferably point upwards), where reasonably practicable;
- impose and signpost maximum speed limits of 5 mph on un-surfaced haul routes and work areas and 10 mph on surfaced haul routes and work areas (if long haul routes

are required these speeds may be increased with suitable additional control measures provided, subject to the approval of CRL and with the agreement of the local authority, where appropriate);

- ensure all vehicles carrying loose or potentially dusty material to or from the site are fully sheeted;
- ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery;
- mix large quantities of cement, bentonite, grouts and other similar materials in designated areas which will be enclosed or shielded;
- store materials with the potential to produce dust away from site boundaries where reasonably practicable;
- ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out;
- minimise the amount of excavated material held on site;
- sheet, seal or damp down unavoidable stockpiles of excavated material held on site, where required;
- avoid double handling of material wherever reasonably practicable;
- ensure water suppression is used during demolition operations;
- ensure that any crushing or grinding plant used on the site, which falls within the definition in Section 3.5 Chapter 3 of the Pollution Prevention and Control (England and Wales) Regulations 2000 SI 1973, has an appropriate permit issued and is maintained according to the procedures set out in the Pollution, Prevention and Control Act 1999;
- ensure that any plant, identified above, is operated in accordance with the conditions set out in the permit and a copy of the permit is held on site;
- use enclosed rubble chutes and conveyors where reasonably practicable or use water to suppress dust emissions from such equipment;
 - always use enclosed conveyors where crossing roads, other public areas and property which is not in the ownership or control of CRL;
- sheet or otherwise enclose loaded bins and skips;
- minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate;
- seal or re-vegetate completed earthworks as soon as reasonably practicable after completion;
- use design/prefabrication to reduce the need for grinding, sawing and cutting on site wherever reasonably practicable;
- only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction;
- carry out site inspections regularly to monitor compliance with dust control procedures set out above and record the results of the inspections, including nil returns, in the log book detailed;
- increase the frequency of site inspections when activities with high potential to produce dust are being carried out and during prolonged dry or windy conditions;(1mm) record any exceptional incidents causing dust episodes on or off

the site and the action taken to resolve the situation in the log book detailed in the above.

Tier 2 measures controlling the emissions from dust from worksites.

- strip insides of buildings, as far as reasonably practicable, before demolition;
- bag and remove biological debris (such as birds nests and droppings) or damp down such material prior to demolition;
- wherever reasonably practicable, retain walls and windows while the rest of the building is demolished to provide a screen against dust;
- screen buildings, where dust producing activities are taking place, with debris screens or sheeting;
- avoid carrying out earthworks during dry weather if reasonably practicable having regard to programme and contracting arrangements for the relevant works or provide and ensure appropriate use of water sprays to control dust;
- seed or seal medium or long term excavated material and soil stockpiles;
- ensure slopes on stockpiles are no steeper than the natural angle of repose of the material and maintain a smooth profile;
- ensure equipment is readily available on site to clean any spillages and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods;
- ensure mixing of cement, bentonite, grout and other similar materials takes place in enclosed areas remote from site boundaries and potential receptors;
- where appropriate use increased hoarding height to protect receptors; and
- consider full enclosure of sites or specific operations where there is a high potential for dust production and the site is active for an extensive period.

The Shenfield Station and Sidings worksites are medium risk sites and consequently the dust monitoring will comprise passive deposition monitoring techniques (glass slides/Frisbee gauges / sticky pads) at locations on site boundaries or near to local receptors. The appropriate frequency of replacement of the gauges etc. depends on the detailed construction arrangements. The replacement frequency will be determined by the construction contractor and submitted to Network Rail for approval. Results will be filed and will be available for inspection upon request.

In the responses received from the consultation process there has been no concern raised with regards to the methods proposed to suppress dust in terms of the local environment.

A request has been made by Essex County Council (Highways) to share the assessment study that was undertaken to assess which residents could potentially be affected by Crossrail activities. A request has been made to Crossrail to share the previously mentioned study and should one be received then it will be passed to the County Council. Another point raised is that one of the mechanisms for containing dust for Shenfield is to fit wheel washes with rumble grids to dislodge accumulated

dust and mud. Given the enclosed nature of Friars Avenue car park in particular, there will be a risk of noise nuisance as vehicles pass over the rumble strips.

The agent has set out in their response that the rumble strips will only be installed if they are considered the most appropriate way to prevent mud from spreading from the site. Any noise associated with the construction works will be considered as part of the Section 61 Process (contained within Control of pollution Act 1974). The section 61 consent application shall include details of the work to be undertaken, including the proposed hours of work, site specific management and mitigation requirements for noise both on and off site.

No objection has been raised with regards to this application from the Environmental Health department in terms of dust and therefore the works proposed would be acceptable in terms of local amenity. Therefore the works involved with this application accord with the National Planning Policy Framework 2012 and Policies CP1 and PC4 of the Brentwood Replacement Plan 2005

Mud on Highway

In terms of the matters for consideration with regards to mud on the highway the Act states 'Measures to be taken on land within the relevant limits to prevent mud being carried onto any public highway as a result of carrying out the development'

The only grounds that the local planning authority may refuse to approve are:

That the arrangements ought to be modified -

- a) To preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value or
- b) To prevent or reduce prejudicial or reduce effects on road safety or on the free flow of traffic in the local area,

And are reasonably capable of being modified.

All reasonably practicable measures will be put in place to avoid/limit and mitigate the deposition of mud and other debris on the highway, as set out in Section 4.4 of the Construction Code. These measures will have regard to the nature and use of the sites in question, and could include

- o hardstanding at the access and egress points will be cleaned at appropriate intervals;
- o vehicle wash down points to clean vehicle wheels at each exit point onto the highway;
- o the correct loading of vehicles and sheeting of loads where necessary to avoid spillage during their journeys;
- o appropriate wheel cleaning measures will be employed to prevent the transfer and accumulation of mud and other granular deposits on the public highway;

- o the use of mechanical road sweepers combined with water sprays for the suppression of dust to clean hardstandings, roads and footpaths in the vicinity of the site; and
- o the flushing of gullies in the vicinity of the site

After completion of any works affecting a highway, all surplus materials arising from the works will be cleared from the highway, leaving it in a clean and tidy condition in accordance with the reasonable requirements of the highway authority.

Essex County Council (Highways) raise the point that one of the mechanisms for containing mud for Shenfield is to fit wheel washes with rumble grids to dislodge accumulated dust and mud. Given the enclosed nature of Friars Avenue car park in particular, there will be a risk of noise nuisance as vehicles pass over the rumble strips.

The agent has set out in their response that the rumble strips will only be installed if they are considered the most appropriate way to prevent mud from spreading from the site. Any noise associated with the construction works will be considered as part of the Section 61 Process (contained within Control of pollution Act 1974). The section 61 consent application shall include details of the work to be undertaken, including the proposed hours of work, site specific management and mitigation requirements for noise both on and off site.

In the responses received from the consultation process there has been no concern raised with regards to the position of the measures to deal with mud on the Highway and its impact on the local environment, local amenity and any sites of archaeological/historic or nature conservation value.

No objection has been raised with regards to this application from the Environmental Health department in terms of dust and therefore the works proposed would be acceptable in terms of local amenity. Therefore the works involved with this application accord with the National Planning Policy Framework 2012 and Policies CP1, PC4 and T2 of the Brentwood Replacement Plan 2005

Other matters

All other issues that have been raised by the Essex County Council (Highways) fall outside of the remit of this application and therefore are not planning material considerations. There is also other legislation that is in place to deal with the other matters raised and therefore a formal assessment need not be carried out and included with this report. The issues raised with regard to highways matters that have not been covered within this report are to be discussed and agreed via Traffic Liaison Groups, these will be set up by crossrail and will involve various stakeholders including the Highways section of Essex County Council.

Conclusion

For the reasons as set out in the report above the details submitted pursuant to the matters relating to the 'construction arrangements' in terms of storage sites, screening, artificial lighting, suppression of dust and mud on highways are considered to accord with the National Planning Policy Framework 2012 and Policies CP1, PC4 and T2 of the Brentwood Replacement Plan 2005.

Therefore in pursuance of the powers exercised by them as Local Planning Authority Brentwood Borough Council having considered the above schedule 7 submission, do hereby give notice of their decision to approve the construction arrangements for the said development

7. **Recommendation**

The Application be APPROVED

Informative(s)

1 INF05

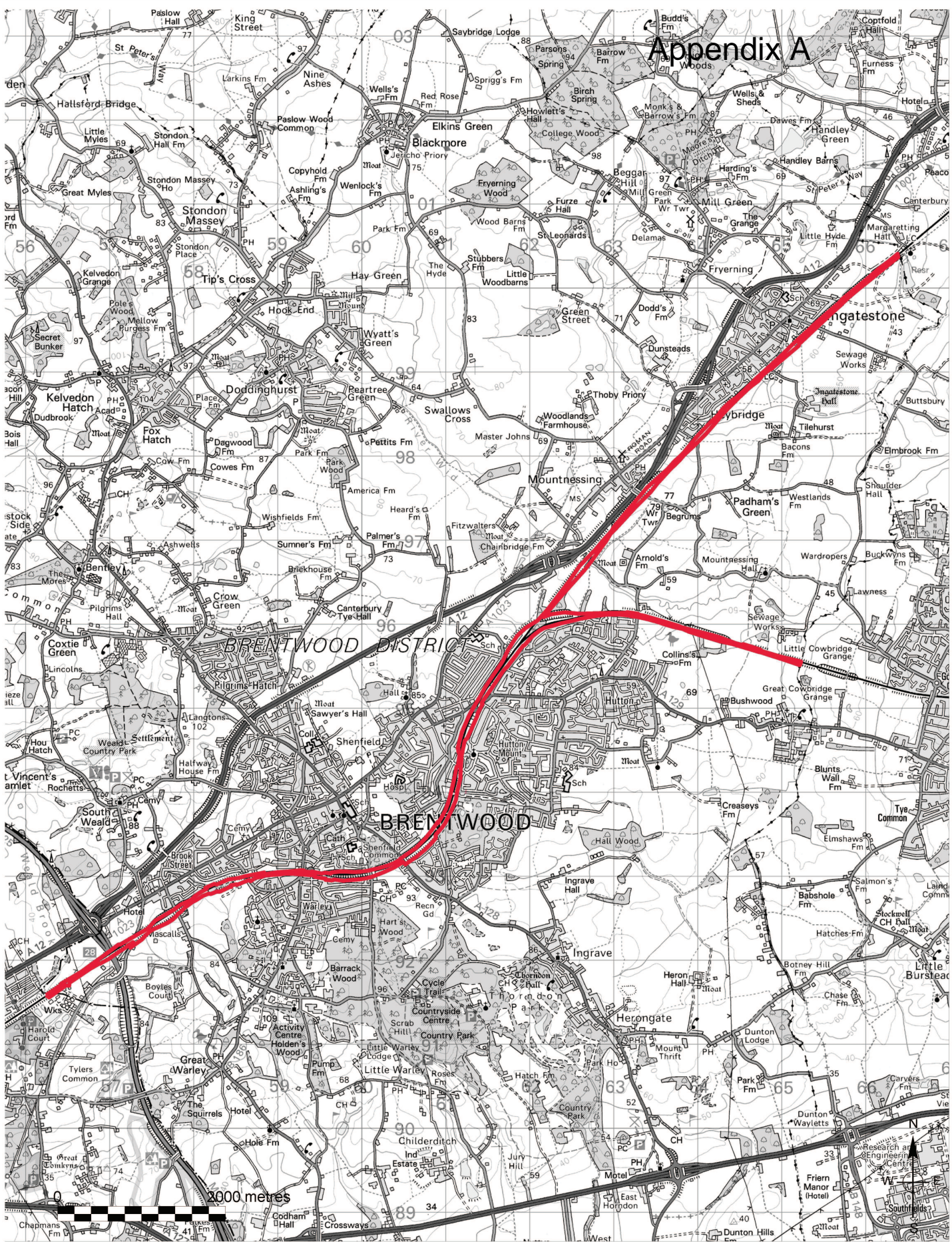
The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, PC4 and T2 the National Planning Policy Framework 2012 and NPPG 2014.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title: Great Eastern Main Line Through Brentwood Borough
14/01016/CROSS

Scale 1:60,000 at A4

Date 19th November 2014

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



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Your Ref:
Our Ref: CO/EGD /SD/ HG/19369 –
14/1016/BRW/Sch7/crossrail
Date:- 8th October 2014



Essex County Council

CC: (by email) Susan Anker SM03
Cllr David Kendall
Cllr Barry Aspinell

Andrew Cook
Director for Operations:
Environment & Economy

To: Martyn Earl
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. **14/01016/CROSS**

Applicant **Crossrail**

Site Location **Crossrail infrastructure and station works in Brentwood Borough Council, including works at Brentwood Station, Shenfield Station and Sidings.**

Proposal **Great Eastern Main Line Through Brentwood Borough Hutton Road Shenfield Essex**

From a highway and transportation perspective Highway Authority has the following comments to make.

Further information is required, as set out below, before confirmation can be given if whether the Schedule 7 proposals are acceptable to the Highway Authority.

General

- It is not clear how the proposed Crossrail works will dovetail with other major schemes planned for the Brentwood & Shenfield areas between now and the formal arrival of Crossrail. This includes;
 - Great Eastern OLE Renewals project
 - Anglia Track Renewals
 - Future Signalling Upgrades
 - Brentwood & Shenfield Urban Realm Programmes
 - Construction of Shenfield pedestrian tunnel
 - Relocation of Network Rail maintenance compounds
 - Relocation of Great Anglia Mount Avenue car park.

Assurances will be required that all of these works can be programmed and managed in order to minimise impact on local residents and businesses as well as preventing abortive works and or duplication of efforts.

- Schedule 7 Construction Arrangements – Description of Crossrail Works- Section 3.1 – ‘Scope of works’ is shown as including ‘any other enabling or main works’ – where this may have an impact on the highway and/or local residents or businesses, we would expect to be consulted in advance of these

activities in order to ensure an agreeable outcome.

- Schedule 7 Construction Arrangements – Timescales – Section 5 – the timescales for activities remain very vague at present, when will the situation be made clearer, in terms of duration of site compound active use versus actual works being undertaken?
- Schedule 7 Construction Arrangements – Appendix A Undertakings & Assurances –
 - Within the table, Ref 61 Parking at Shenfield – we are assuming that this is within the context of the Crossrail Urban Realm plans?
 - Ref 560 states that the nominated undertaker will use reasonable endeavours to provide replacement car parking in the Hunters Avenue commuter car park – will this be feasible, given that the bays are already marked out to utilise the site to a maximum – or does this mean the freeing up of some bays currently designated as premium for open use?
 - Ref 62 – will the offer of supplementary planting to overcome visual impacts issues mean ‘mature specimens’ – such that immediate improvements will be noticed by the affected residents?
- Crossrail Environment Management Plan – section 1.1.2 Purpose & Content – we would wish to ensure that any complaints reporting/handling issues are promoted as being channelled through the Crossrail rather than Network Rail reporting system, to ensure that these are trackable and that prompt action will be taken to address any concerns of residents/ businesses.
- Crossrail Environment Management Plan – section 2.2.1 Advance Works – the penultimate bullet point refers to possible need for ‘Highway diversion works’ – this should be agreed with Network Management (NRSWA) at least 3 months prior to works being required to commence. The same applies to section 2.2.2 main construction, where reference is made to ‘any other enabling of main works’.
- Crossrail Environment Management Plan – section 2.3.1 Working hours – refers to the running of pumps and generators. Would this be just when required for a specific activity or throughout the works period 24/7? Is there a risk of noise nuisance during this period? The section also refers to ‘certain works requiring possession of roads’ – once again, if required, this would need prior agreement with Essex Highways’ Network Management.
- Crossrail Environment Management Plan – section 2.7.2 Vehicle & Plant emissions – item f) refers to the siting of haul routes – at what point will proposed Lorry management plans be submitted to Essex Highways for consideration? It is understood that part of the plan may suggest lorries routing through Crossways and Hunter Avenue – this may not be acceptable, the provision of additional detail may help guide the conclusion.
- Crossrail Environment Management Plan – section 2.11.4 Crossrail Noise & Vibration Mitigation scheme – is it possible to share (in confidence) the assessment study that was undertaken to assess which residents could potentially be affected by Crossrail activities.

Shenfield

- Construction Arrangements Section 4.0 Table 1 – one of the mechanisms for containing dust recommended for Shenfield is to *fit wheel washes with rumble grids to dislodge accumulated dust and mud* – given the enclosed nature of the Friars Avenue car park in particular, will there be a risk of noise nuisance as vehicles regularly pass over the rumble strips? Likely to be more of an issue when the work site is used during evenings and weekends.
- Construction Arrangements Section 5 – *Hard standing at the access/egress point will be cleaned at ‘appropriate’ intervals* – what or who determines the definition of ‘appropriate’?

Gordon Road

- The maps provided thus far do not show the intended location of the new Shenfield Signal Power Supply Point. It is understood that this may be intended for the Gordon Road area? Given that this is a residential area, will there be additional ongoing noise created by this instalment once it is operational?
- Schedule 7 Construction Arrangements – Location & Characteristics – Section 2.2 Shenfield. It is suggested that access to the south western sidings will be from Gordon Road. There is currently no access point here and Gordon Road is a relatively narrow residential street. This area appears to fall outside of the Crossrail limits of deviation shown on Crossrail mapping;
 - To what extent is it proposed that this access point will be used to support works access? It is likely to be unsuitable for large or numerous vehicles to use this as an access point to the railway.
 - Would the proposed works require existing residential parking arrangements to be reviewed, if so would this be on a short term basis for the duration of the works or is it anticipated that a permanent access facility may be required. If this is the case then consultation and production of new Traffic Regulation Orders (if approved) may be required, at the expense of Crossrail.

Friars Avenue

- How will Friars Avenue car park work site be segregated to ensure separation of site activities from general public using the remainder of the car park, whilst also maintaining a facility which enables construction vehicles to manoeuvre and make necessary 3 point turn movements?
- How will lorry access be managed to the Friars Avenue car park, whilst maintaining public access to the residual car parking spaces? Access to the car park is relatively narrow and there is limited scope for large vehicles to wait for access from Friars Avenue to the car park site. Schedule 7 Construction Arrangements (Appendix A – Ref 560) also refers to this and states that ‘an appropriate method of safe operation’ will be needed. This is likely to require approval by Essex Highways Network Management.
- How regularly will lorries be accessing the Friars Avenue car park? This could cause capacity issues within the car park / site compound as well as on adjacent roads – especially if these movements are likely to occur within the extended peak periods.

Hutton Road / Station Forecourt

- The Schedule 7 does not appear to make any reference to the proposed work site located to the rear of shops on Hutton Road to the immediate west of the Station Building. Please could you clarify the proposed arrangements for this area.
- Schedule 7 Construction Arrangements – Description of Crossrail Works- Section 3.1 – ‘Scope of works – Shenfield Station & Sidings’ refers to earthworks to widen the railway embankment – will this be undertaken by means of soil being brought in via the railway, rather than by road? If the latter – how frequently and in what volume would the vehicles be arriving?
- What alternate arrangements have been made for the existing cycle parking in this area?
- Will the residents and businesses still be able to park in this area – if not, what alternative arrangements are planned for them during the period of works?
- Whilst the platform works are taking place, it is understood that there are plans to relocate the taxi office to an area adjacent to Hutton Road, to the north east of the station entrance.

- This may not be a suitable location, as it will encourage taxis to congregate on Hutton Road - which is likely to worsen the impacts of the works on congestion within Hutton Road.
- Will the works also mean that the 13 taxi bays on the forecourt need to be taken out of use for the period of the platform construction works?
- Will this affect the 5 phone boxes – if so, where will they be relocated to?
- This is likely to affect the cycle storage facility – if so, where will the facility be relocated to? It is assumed that this will occur at the same time as the remaining cycle racks are displaced from behind the shops?

Hunters Avenue

- In the presentation to BBC back in May, plans for potential staff facilities on the sidings (including cleaners storage area, office & mess room accommodation) was tabled. There are no references to these facilities within the Schedule 7's – does that mean that these facilities will no longer be required? It was this facility that the stairs from Hunters Avenue Car Park (which is mentioned) were intended to lead to, as we understood it.
- At the May presentation it was advised that the cleaners would take the rubbish across the bridge to refuse compounds at the back of the station – is this still intended to be the mode of operation? i.e. there will not be refuse wheelie bins adjacent to this access point.
- Will the lighting for the cleaners area be likely to impact upon the residents of Hunter Ave?
- The introduction of pedestrian (staff) access from the BBC Hunters Avenue Car Park could lead to access issues within the confined area of this car park. Can assurances be given that this will not be the case and that there will not be an expectation that Railway staff will hinder flows in the area with their vehicles {the proposed access gate is adjacent to pedestrian walkway to Hutton Road and Disabled parking bays. It is assumed that the layout of the car park will not need to change from existing.
- Is it assumed that all of the works on the East side of Shenfield station can be undertaken within railway land and therefore will not affect the operation of the car parks or footways in the vicinity?

Mount Avenue Car Park

- The documentation states that the Mount Avenue car park will be the primary work site for the western end works – what impact will this have in terms of loss of car parking spaces in this car park – and will this be at the same time as reduced car parking availability on Friars Avenue and Hunters Avenue car parks?

Brentwood

- Crossrail's main design drawing outlines (as tabled at the stakeholder consultation events) show the main entrance to Brentwood station being located in The Parade, adjacent to Platform 4, as opposed to the high level ticket office and facilities currently adjacent to Kings Road/Warley Hill. Is it intended that the layout of Brentwood station buildings and access point will change as a consequence of Crossrail, or is this an error on the drawings?
- There was little information provided regarding Brentwood works – is it considered that this activity will not affect the highway/public areas adjacent to the station?

Nags Head Lane


- Have ecology (Bat & Great Crested Newt in particular) surveys been undertaken for this location?

Informatives:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

- The Highway Authority cannot accept any liability for costs associated with a

developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

A handwritten signature in black ink, appearing to read 'S. Key'.

.....
pp. Director for Operations: Environment and Economy
Enquiries to
Internet: www.essex.gov.uk
Email:

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Wednesday 19 November 2014

Planning & Development Committee

West Horndon Neighbourhood Plan Area

Report of: *Gordon Glenday, Head of Planning and Development*

Wards Affected: *Herongate, Ingrave & West Horndon*

This report is: *Public*

1. Executive Summary

- 1.1 The Localism Act 2011 grants parishes and community groups powers to draw up Neighbourhood Plans. The Neighbourhood Planning (General) Regulations (2012) set out that Brentwood Borough Council, as Local Planning Authority, has responsibility for determining applications for Neighbourhood Plan areas.
- 1.2 In February 2014 the Council received an application from West Horndon Parish Council to consider West Horndon parish as a Neighbourhood Plan area. The Borough Council consulted on the proposed area for a period of six weeks between May and July 2014
- 1.3 This report seeks approval to designate West Horndon parish as a neighbourhood plan area, as set out in **Appendix A**.

2. Recommendation

- 2.1 That the West Horndon Neighbourhood Plan area be approved.**

3. Introduction and Background

- 3.1 The Localism Act 2011 grants parishes and community groups powers to draw up Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 3.2 Brentwood Borough Council, as Local Planning Authority, has responsibility for determining applications for Neighbourhood Plan areas,

designating Neighbourhood Forums and other duties in connection with neighbourhood planning.

- 3.3 A Neighbourhood Plan enables local communities (i.e. parish council or neighbourhood forum) to draw up planning policies for the development and use of land in their area. This would set a vision for the future and can cover things like where development should take place and what it should look like. Once adopted, the neighbourhood plan will form part of the Borough Local Development Plan and be a material consideration in determining planning applications.
- 3.4 Neighbourhood Planning Regulations (March 2012) specify roles and responsibilities for local planning authorities and the parish councils and neighbourhood forums who prepare the plans or orders. These Regulations require neighbourhood plans to conform to strategic policies in the Local Development Plan and national policy. Communities can not use neighbourhood planning to block development by stipulating a lower level of development than set out in the Local Development Plan, but they can use neighbourhood planning to influence the type, design, location and mix of new development or propose a higher level of development.
- 3.5 In light of the Borough Council's role as local planning authority, the Council has published a guidance note on its website; "Neighbourhood Planning in Brentwood Borough". This sets out the protocol for how the Council intends to respond to requests to prepare neighbourhood plans or orders, as well as sources for further information.
- 3.6 To date there has been one Neighbourhood Plan area approved by the Council. The Doddinghurst Neighbourhood Plan is currently being prepared by Doddinghurst Parish Council. The area was approved at Policy and Resources Board on 14 December 2012 following consultation and a successful joint application by the Borough Council and Parish Council in response to the Government's neighbourhood planning vanguard scheme.
- 3.7 In February 2014 the Council received an application from West Horndon Parish Council to consider West Horndon parish as a Neighbourhood Plan area. The application letter and map of the parish can be found in **Appendix A and B** respectively. The Borough Council consulted on the proposed area for a period of six weeks between May to July 2014. This immediately followed May local elections and the preceding pre-election period. Details of the consultation can be found in Chapter 6 of this report. A report setting out consultation responses and proposed actions is set out in **Appendix C**.

4. Issue, Options and Analysis of Options

- 4.1 The Council is required to determine the application from West Horndon Parish Council in light of consultation responses received. Consideration of responses help to inform whether to approve the area as proposed, i.e. the whole of West Horndon parish.
- 4.2 The Council has a statutory discretion to consider whether the area applied for is appropriate for designation and so must have regard to the desirability of designating the whole parish. An alternative option might be to propose that a smaller area be approved if consultation responses supported this approach.
- 4.3 Consultation responses showed broad support for the whole parish to be designated as a Neighbourhood Plan area.

5. Reasons for Recommendation

- 5.1 It is recommended that the Neighbourhood Plan area as proposed by West Horndon Parish Council, to include the entire parish, be approved in order that the Parish Council can continue work to prepare the plan. Formal approval is required in order that work continue to the next stages.
- 5.2 Responses received from residents and stakeholders to the consultation showed broad support for the whole parish to be designated as a Neighbourhood Plan area. There was strong local resident support.
- 5.3 Given the level of support, the fact that the Parish Council oversee the entire proposed area, and emerging strategy in the Borough Council's Local Development Plan, it seems appropriate to approve the entire parish as a Neighbourhood Plan area.

6. Consultation

- 6.1 Public consultation on the proposed area took place for six weeks between 29 May and 10 July 2014.
- 6.2 The Neighbourhood Planning Regulations stipulate a minimum consultation period of six weeks. This is reflected in the Council's published guidance note "Neighbourhood Planning in Brentwood Borough" and in the adopted Brentwood Statement of Community Involvement (December 2012).

- 6.3 The Council consulted all West Horndon residents whose contact details were on the Local Development Plan consultation database (those who requested to be kept informed of Plan preparation and/or those who made representations to the Draft Local Plan Preferred Options consultation). In addition, the Council consulted prescribed bodies under the Duty to Cooperate (including neighbouring authorities), key stakeholders, and in addition to West Horndon residents an email notification was sent to all those who have requested to be kept informed of Local Development Plan progress and related documents. Information about the consultation, the application letter from West Horndon Parish Council, and a map of the proposed area were published on the Council's website.
- 6.4 A total of 23 responses were received to the consultation. A report setting out full responses, summary of main issues, and proposed actions is set out in **Appendix C**.
- 6.5 Responses were received from the following:
- 9 responses from statutory bodies
 - 8 responses from local residents
 - 3 responses from neighbouring local authorities (including Essex County Council)
 - 2 responses from planning agents on behalf of local landowners
 - 1 response from a local interest group.
- 6.6 Responses showed broad support for the entire parish to be designated as a Neighbourhood Plan area. There was strong local resident support for the area. One objection was received to the proposal. This was from a local resident within the parish but outside West Horndon village boundary. Several key stakeholders, including national bodies, neighbouring authorities and the County Council, provided advice on things that the Parish Council will need to consider as part of preparing a Neighbourhood Plan. This information will be shared with the Parish Council as part of publishing this report.

7. References to Corporate Plan

- 7.1 Adopted Neighbourhood Plans will form part of the Council's Local Development Plan, a key priority in the Council's Corporate Plan chapter "A Prosperous Borough".

8. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email: 01277 312712 / jo-anne.ireland@brentwood.gov.uk

- 8.1 Neighbourhood Planning Regulations require Local Planning Authorities to bear the costs of examination and referendum of neighbourhood plans or orders.
- 8.2 In light of this responsibility the Department for Communities and Local Government (DCLG) provide grant funding to Local Planning Authorities; the Neighbourhood Planning Grant scheme. This enables the Council to retrospectively claim set amounts of funding at the following stages of Neighbourhood Plan preparation:
- The first payment of £5,000 is made following designation of a neighbourhood area, recognising the officer time supporting and advising the community in taking forward a neighbourhood plan.
 - The second payment of £5,000 is made when the local planning authority publicises the neighbourhood plan prior to examination. This will contribute towards the costs of the examination as well as other staff costs incurred at this stage.
 - The third payment of £20,000 is made on successful completion of the neighbourhood planning examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum. However, the payment is not dependent on pursuing the referendum route if both parties agree on a different approach at that point (for example, if both parties agree, the neighbourhood plan could be taken forward as part of the local plan or as a supplementary planning document).
- 8.3 Resolving to agree the West Horndon Neighbourhood Plan area would enable the Borough Council to claim this first grant of £5,000. DCLG has recently confirmed that the Neighbourhood Planning Grant scheme will be extended to 2015/16.

Legal Implications

Name and Title: Philip Cunliffe-Jones, Planning Lawyer

Tel & Email: 01277 312703 / p.cunliffe-jones@brentwood.gov.uk

- 8.4 The Localism Act 2011 (Part 6, Chapter 3, Sections 116-121 and Schedule 9 and 10) inserted amendments into the Town and Country Planning Act 1990 to enable Neighbourhood Planning with effect from 15

November 2011. The Neighbourhood Planning (General) Regulations 2012 (SI2012 No. 637) make provision in connection with proposals made. If the application is approved, then Regulation 7(1) requires the designation to be publicised. If the application is refused, reasons must be given under the Act and the decision must also be published.

- 8.5 The Borough Council has a statutory discretion to consider whether the area applied for is an appropriate area for designation. It must have regard to the desirability of designating the whole of the area of a Parish Council as a Neighbourhood Area. There is also a statutory requirement to consider whether the authority should designate the area as a business area. The power to designate an area as business area is, however, only exercisable if the Council consider that the area is wholly or predominantly business in nature.
- 8.6 The Government has recently consulted on proposed changes to limit the amount of time Local Planning Authorities have to determine Neighbourhood Plan area applications.
- 8.7 Once adopted, neighbourhood plans will be part of the statutory Local Development Plan and a material consideration in determining planning applications.

Other Implications

- 8.8 The Council will need to continue assisting West Horndon Parish Council in preparation of their Neighbourhood Plan.

9. Background Papers

- 9.1 Neighbourhood Planning in Brentwood Borough (February 2013)
- 9.2 Local Plan 2015-2030 Preferred Options for Consultation (July 2013)

10. Appendices to this report

Appendix A - West Horndon Parish Council Neighbourhood Plan area application

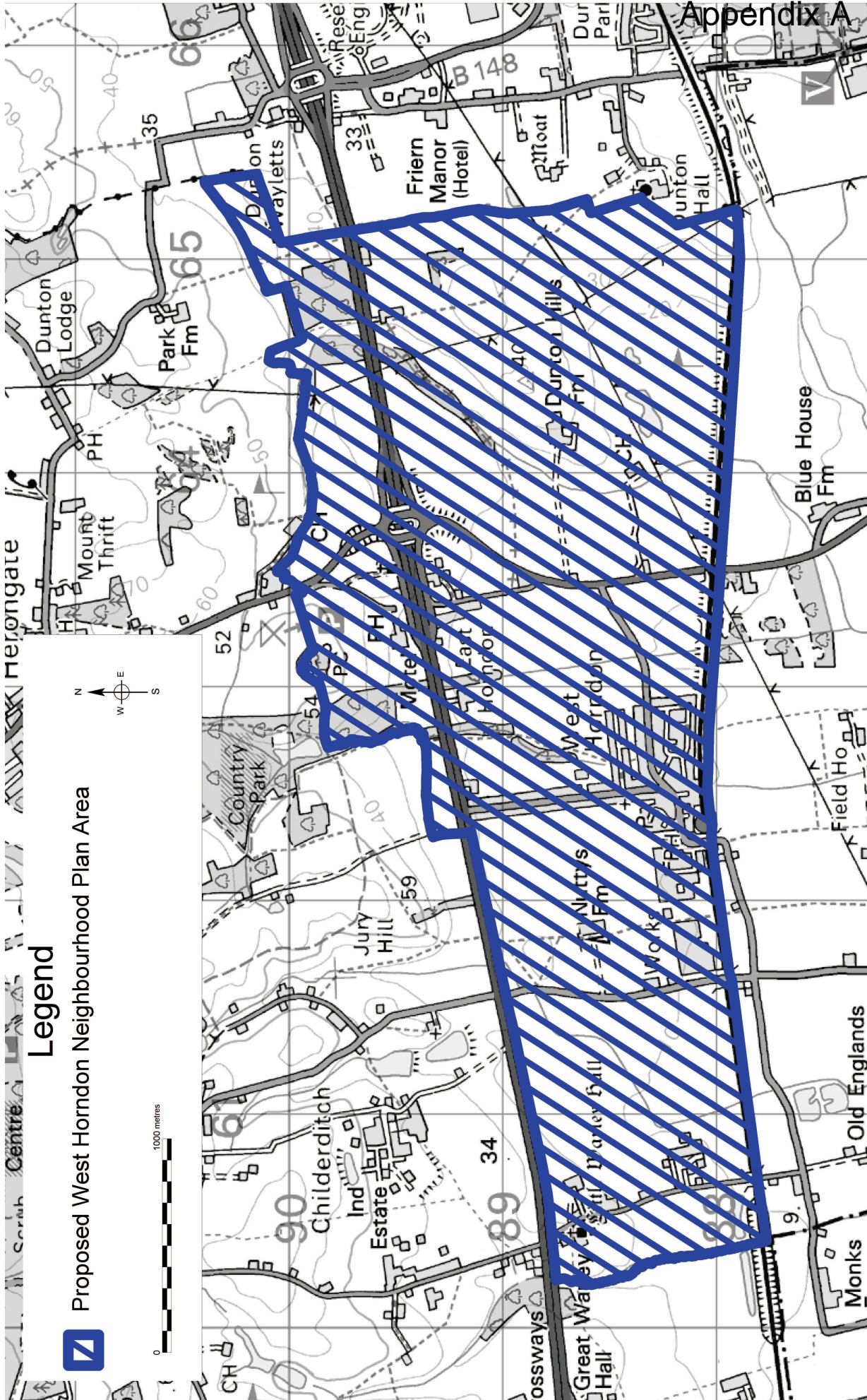
Appendix B - Map of proposed West Horndon Neighbourhood Plan area (parish)

Appendix C - Consultation responses to the West Horndon Neighbourhood Plan area and proposed actions.

Report Author Contact Details:

Name: Phil Drane, Planning Policy Team Leader
Telephone: 01277 312610
E-mail: phil.drane@brentwood.gov.uk

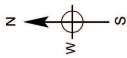
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Legend

 Proposed West Horndon Neighbourhood Plan Area

1000 metres



Proposed West Horndon Neighbourhood Plan Area

Service ICT

Scale 1:25,000 at A4

Drawn by OSJ

Date 7th November 2014

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WEST HORNDON PARISH COUNCIL
Clerk: Lynne Farquhar
124 Boyce Road, Stanford-le-Hope, SS17 8RJ
Tel: 07905416941
E-mail: whpc.parishclerk@gmail.com

Appendix B

Mr P Drane
Brentwood Borough Council
Planning Department
Town Hall
Ingrave Road
Brentwood
Essex

20th February 2014

Dear Mr Drane

As discussed with Brentwood Borough Planning Policy Team on 9th January 2014 and following a successful vote at the West Horndon Parish Council public meeting on 30th January 2014, West Horndon Parish Council would like to undertake the development of a Neighbourhood Plan.

Per policy 5 (1) of The Neighbourhood Planning (General) Regulations 2012, please accept this email as the submission to Brentwood Borough Planning Policy Team of a request for the attached map of West Horndon, covering West Horndon Parish in its entirety, to be the defined Neighbourhood Area for the aforementioned Neighbourhood Plan.

Further, it is felt appropriate that the Neighbourhood Area be the entire West Horndon Parish given the scale and significance that the West Horndon Strategic Allocation has within the published draft Local Development Plan, and the resultant implications that this has for all parts of West Horndon Parish. Defining the Neighbourhood Area in this way will allow all those affected to have influence over how the development occurs.

Finally, I can confirm that the body making this request, West Horndon Parish Council, is a relevant body for the purposes of section 61G of the 1990 Act.

If you have any questions, please feel free to contact the West Horndon Parish Council Planning Group, consisting of Kathy Turner, Colin Foan and Chris Hart.

Yours sincerely

Anthony Crowley

Chairman

Chairman: Cllr Anthony Crowley
Tel: 07956852156

Vice Chairman: Cllr Chris Price
Tel: 07708503104

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Appendix C

Responses to West Horndon Neighbourhood Area Consultation (May – July 2014)

Ref: 001	Name: Mr. Alan Bayless	
	Local resident	Received: 29.05.14
Comment	<p>Full Response: I agree that there needs to be an extension to the above area but I think that this should only development of the industrial site which I believe is to be closed down, a prime area for building houses.</p>	
<p>Summary of Issues: Response does not comment on the proposed Neighbourhood Plan area, instead comments on suitability of sites for future development.</p>		<p>Action(s): View expressed regarding suitability of specific site for development is more appropriate to feed into continuing Borough Council Local Development Plan consultation and Parish Council work to prepare a Neighbourhood Plan.</p>
Ref: 002	Name(s): E. Bonail, M.E. Bonail, R.E. Bonail	
	Local residents	Received: 30.05.14
Support	<p>Full Response: We in this household fully support the initiative by our Parish Council to designate an area within the terms of the current legislation.</p>	
<p>Summary of Issues: Support proposed Neighbourhood Plan Area.</p>		<p>Action(s): Support noted</p>
Ref: 003	Name(s): Sue Bull	Position: Planning Liaison Manger (East)
	Organisation: Anglian Water	Received: 30.05.14
No comment	<p>Full Response: Thank you for the opportunity to comment on this proposal. Whilst I do not have any comment to make at this area designation stage, I would welcome the opportunity to comment on later consultations should the plan progress to a draft.</p>	
<p>Summary of Issues: Anglian Water have no comment to make at this stage, but wish to be involved in further Neighbourhood Plan consultation.</p>		<p>Action(s): Advise that West Horndon Parish Council involve Anglian Water in Neighbourhood Plan preparation and consultation.</p>

Ref: 004	Name(s): Sarah Whiting	
	Organisation: Highways Agency	Received: 30.05.14
No comment	<p>Full Response: The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport. The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. We have reviewed the documents and do not have any comment at this time.</p>	
<p>Summary of Issues: The Highways Agency have no comment to make at this stage, but wish to be involved in further Neighbourhood Plan consultation.</p>		<p>Action(s): Advise that West Horndon Parish Council involve the Highways Agency in Neighbourhood Plan preparation and consultation.</p>

Ref: 005	Name: Marjorie Ramsey	
	Local resident	Received: 02.06.14
Object	<p>Full Response: Further to this email, I note Little Warley Hall Lane has been included in the above application. As far as the Parish Council is concerned, it deals with West Horndon affairs and does not represent the area in which I live, which for the 54 years I have lived here, has been in the Little Warley/Childerditch area. My yard is already designated a brownfield site and was not included in the Brentwood Local Plan with the mention of West Horndon development.</p>	
<p>Summary of Issues: Object to the proposed Neighbourhood Plan area covering the entire boundary, specifically extending as far as the Little Warley/Childerditch area.</p>		<p>Action(s): Objection noted</p>

Ref: 006	Name: Mrs. J Littlechild	
	Local resident	Received: 02.06.14
Support	<p>Full Response: Please record my support for the application by the West Horndon Parish Council for your approval of the West Horndon Neighbourhood Plan Area.</p>	
<p>Summary of Issues: Support proposed Neighbourhood Plan Area.</p>		<p>Action(s): Support noted</p>

Ref: 007	Name(s): Anne Crane	Position: Area Manager, Borough Planning
	Organisation: Transport for London (TfL)	Received: 03.06.14
No comment	Full Response: Thank you for consulting TfL on West Horndon Parish Council's application for Brentwood Borough Council to approve a Neighbourhood Plan. In this instance TfL has no comment to make.	
Summary of Issues: TfL make no comment		Action(s): Noted. By way of courtesy, advise that West Horndon Parish Council involve TfL in Neighbourhood Plan preparation and consultation.

Ref: 008	Name(s): David Allcock	
	Organisation: Natural England	Received: 04.06.14
Comment	<p>Full Response: Thank you for notifying Natural England of your Neighbourhood Planning Area dated 29/05/2014</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.</p> <p>The following is offered as general advice which may be of use in the preparation of your plan.</p> <p>Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf</p> <p>Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: http://www.nbn-nfbr.org.uk/nfbr.php</p> <p>Protected landscapes If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas</p>	

of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.
National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.
<http://www.naturalengland.org.uk/publications/nca/default.aspx>

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

Natural England Standing Advice

Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’.

General mapped information on soil types is available as ‘Soilscapes’ on the www.magic.gov.uk and also from the LandIS website; <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be

<p>considered as part of any new development proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at consultations@naturalengland.org.uk</p>	
<p>Summary of Issues: Natural England make no specific comment regarding the proposed Neighbourhood Plan area.</p> <p>General advice is set out with regards to protected landscapes, protected species, local wildlife sites and best most versatile agricultural land.</p>	<p>Action(s): Advise that West Horndon Parish Council note the advice and links provided by Natural England when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure Natural England is consulted as part of future Neighbourhood Plan preparation, Strategic Environmental Assessment and Environmental Impact Assessment (where applicable).</p>

Ref: 009	Name(s): Victoria Vernon	Position: Planning Administrator
	Organisation: Sport England	Received: 04.06.14
Comment	<p>Full Response: Thank you for consulting Sport England on the above Neighbourhood Plan.</p> <p>Planning Policy in the National Planning Policy Framework identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.</p> <p>It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, 'A Sporting Future for the Playing Fields of England – Planning Policy Statement'. http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/</p> <p>Sport England provides guidance on developing policy for sport and further information can be found following the link below: http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the</p>	

	<p>Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations. http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/</p> <p>If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes. http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</p>
<p>Summary of Issues: Sport England make no specific comment regarding the proposed Neighbourhood Plan area.</p> <p>General advice is set out with regards to positive planning for sport and protection from unnecessary loss of sports facilities, among other issues.</p>	<p>Action(s): Advise that West Horndon Parish Council note the advice and links provided by Sport England when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure Sport England is consulted as part of future Neighbourhood Plan preparation.</p>

Ref: 010	Name(s): Tonia Parsons	Position: Chief Operating Officer
	Organisation: NHS Basildon and Brentwood Clinical Commissioning Group	Received: 05.06.14
Support & Comment	<p>Full Response: Thank you for the opportunity to comment on this proposal. We acknowledge that the designation of West Horndon as a Neighbourhood Plan Area is coterminous with current parish boundaries, so this appears to be a logical geographical boundary.</p> <p>We would however like to add that we would expect all the new Neighbourhood Plan Areas to be mindful of the impact of local decisions on the provision of health care services, particularly in relation to the capacity of local GP practices. For this reason we would wish to be involved at an early stage of any proposals for housing growth or new residential homes.</p>	
<p>Summary of Issues: NHS Basildon and Brentwood Clinical Commissioning Group support the proposed Neighbourhood Plan area.</p> <p>Comment is made that Neighbourhood Plan proposals be mindful of the impact of local decisions on the provision of health care services.</p>	<p>Action(s): Advise that West Horndon Parish Council note the advice provided by NHS Basildon and Brentwood Clinical Commissioning Group when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure the NHS Group is consulted as part of future Neighbourhood Plan preparation.</p>	

Ref: 011	Name(s): Elizabeth Van Driesen	Position: Wayleave Surveyor
	Organisation: UK Power Networks	Received: 05.06.14
Comment	<p>Full Response: Many thanks for your email regarding the West Horndon Neighbourhood Plan.</p> <p>Please be aware that there are cables, structures, supports and substations at Low Voltage, 11kV, 33kV and 132kV belonging to UK Power Networks within the defined area that provides electricity supplies to the West Horndon Parish area and are integral to supplying other communities to a significant area beyond.</p> <p>Please can you consult UK Power Networks with any future developments.</p>	
<p>Summary of Issues: UK Power Networks make no comment regarding the proposed Neighbourhood Plan area.</p> <p>Specific advice is provided regarding the existence of electricity supply cables, supports and substations within the proposed area.</p>		<p>Action(s): Advise that West Horndon Parish Council note the advice provided by UK Power Networks when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure that UK Power Networks is consulted as part of future Neighbourhood Plan preparation.</p>

Ref: 012	Name(s): David Grech	Position: Historic Places Advisor
	Organisation: English Heritage	Received: 05.06.14
Comment	<p>Full Response: Thanks you for your electronic notification addressed to my colleague Katherine Fletcher concerning West Horndon Parish Council's application for approval as a proposed Neighbourhood Plan Area. English Heritage has no objection to this application.</p> <p>English Heritage has a statutory role in the development plan process and there is a duty to consult English Heritage where our interests are considered to be affected. Our area of interest is the historic environment and, depending on the locality, we can offer specific advice concerning the inclusion of the historic environment in drafting plans. From a quick desk based assessment of West Horndon it is apparent that while the parish contains only a relatively small number of designated heritage assets, they include a number of significant designations. These include the southern part of the Grade II* Thorndon Hall Registered Park and Garden and Thorndon Park Conservation Area, the Grade I listed Church of St Peter, the Grade II* listed Church of All Saints, the Grade II* listed Little Worley Hall and other buildings listed at Grade II. In addition, there are other heritage assets in close proximity to the parish boundaries. We would therefore welcome the opportunity to comment on an early draft of their Neighbourhood Plan.</p> <p>Of course the nature of the locally-led neighbourhood plan process is that the community itself should determine its own agenda based on the issues it is concerned about. At the same time, as a national organisation able increasingly to draw upon our experiences of neighbourhood planning</p>	

	<p>exercises across the country, our input, agreed on a case by case basis, can help those communities reflect upon the special (heritage) qualities which define their area to best ensure that optimum and sustainable outcomes are achieved.</p> <p>To this end information on our website might be of initial assistance http://www.english-heritage.org.uk/caring/get-involved/improving-your-neighbourhood/</p>
<p>Summary of Issues: English Heritage make no specific comment regarding the proposed Neighbourhood Plan area.</p> <p>General advice is set out with regard to the historic environment and significant designations within the proposed area.</p>	<p>Action(s): Advise that West Horndon Parish Council note the advice and links provided by English Heritage when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure English Heritage is consulted as part of future Neighbourhood Plan preparation.</p>

Ref: 013	Name(s): Thomas Acton	Position: Secretary
	Organisation: Brentwood Gypsy Support Group	Received: 12.06.14
Support & Comment	<p>Full Response: The Brentwood Gypsy Support Group supports the formation of a West Horndon Neighbourhood Plan, and has no objections to the boundary proposed, PROVIDED that the Plan once formulated is no less favourable to the development of Gypsy/Traveller caravan sites than the existing Draft Local Plan currently under review by the Council. To say that, however, is not to say we necessarily see the suggestion of a single medium-sized site as suggested in the Draft Local Plan as necessarily the best option. As we commented previously, the possibility of a number of much smaller sites may be better, and we do see other preferable possibilities to meet immediate need in the Borough. In the long term, however, the existence of development land which is zoned for possible Gypsy Site development among other uses (dependent of course on the emergence of a willing and capable developer, and the observance of all planning and design).</p> <p>The BGSB would be happy to be available to West Horndon Parish Council for consultation and information.</p>	
<p>Summary of Issues: The Brentwood Gypsy Support Group support the proposed Neighbourhood Plan area.</p> <p>Comments provided regarding the need for consistency with the Borough Council's Local Development Plan, specifically on the issue of Gypsy & Traveller pitch provision.</p>	<p>Action(s): Advise that West Horndon Parish Council involve the Brentwood Gypsy Support Group in Neighbourhood Plan preparation and consultation.</p>	

Ref: 014	Name: Keith O'Riley	
	Local resident	Received: 20.06.14
Support	Full Response: I would like to register my total agreement to approve a neighbourhood development plan for the West Horndon area.	
Summary of Issues: Support proposed Neighbourhood Plan Area.		Action(s): Support noted

Ref: 015	Name(s): Miss Rachel Bowden	
	Organisation: Natural England	Received: 24.06.14
Comment	Full Response: Thank you for notifying Natural England requesting information in respect of your Neighbourhood Planning Area dated 29/05/2014	
	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.</p> <p>The following is offered as general advice which may be of use in the preparation of your plan.</p> <p>Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf</p> <p>Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: http://www.nbn-nfbr.org.uk/nfbr.php</p> <p>Protected landscapes If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.</p>	

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.

<http://www.naturalengland.org.uk/publications/nca/default.aspx>

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

Natural England Standing Advice

Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’.

General mapped information on soil types is available as ‘Soilscapes’ on the www.magic.gov.uk and also from the LandIS website;

<http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural

	Environment and Rural Communities Act 2006, Natural England should be consulted again at consultations@naturalengland.org.uk	
<p>Summary of Issues: Natural England make no specific comment regarding the proposed Neighbourhood Plan area.</p> <p>General advice is set out with regards to protected landscapes, protected species, local wildlife sites and best most versatile agricultural land.</p>	<p>Action(s): Advise that West Horndon Parish Council note the advice and links provided by Natural England when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure Natural England is consulted as part of future Neighbourhood Plan preparation, Strategic Environmental Assessment and Environmental Impact Assessment (where applicable).</p>	

Ref: 016	Name(s): Matthew Winslow	Position: Service Manager - Planning Policy & Regeneration Strategy
	Organisation: Basildon Borough Council	Received: 27.06.14
No comment	<p>Full Response: Thank you for informing Basildon Borough Council that the above application by West Horndon Parish Council has been submitted for approval. Basildon Borough Council has reviewed the proposed West Horndon Neighbourhood Plan Area, which shares part of its boundary with Basildon Borough, and has no comment to make at this stage.</p> <p>Please accept this letter as the Council's formal response.</p>	
<p>Summary of Issues: Basildon Borough Council have no comment to make at this stage, but wish to be involved in further Neighbourhood Plan consultation.</p>	<p>Action(s): Advise West Horndon Parish Council to involve Basildon Borough Council in Neighbourhood Plan preparation and consultation.</p>	

Ref: 017	Name: Gemma Moring	
	Local resident	Received: 01.07.14
Support	<p>Full Response: I write to confirm my agreement with the West Horndon Parish Council's proposed Neighbourhood Plan area.</p> <p>Due to the potentially significant effect on our village, I agree that the entire West Horndon Parish area should be included within this plan.</p>	
<p>Summary of Issues: Support proposed Neighbourhood Plan Area.</p>	<p>Action(s): Support noted</p>	

Ref: 018	Name(s): Kevin Fraser	Position: Principal Planner
	Organisation: Essex County Council	Received: 07.07.14
Comment	<p>Full Response:</p> <p>Thank you for consulting Essex County Council on the proposed boundary of the West Horndon Neighbourhood Plan Area as put forward by West Horndon Parish Council. The County Council raises no comment on the proposed boundary. General comments which may inform plan preparation are provided overleaf.</p> <p>The County Council looks forward to engaging constructively, actively and on an on-going basis during the preparation of the Neighbourhood Plan, to ensure the continuation of a robust long-term strategy for the area that provides a reliable basis on which the County Council may plan future service provision and required community and physical infrastructure for which it is responsible.</p> <p>Duty to Cooperate The Duty to Co-operate is contained in the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. It requires Local Planning Authorities to ensure that local planning lead strategic planning effectively through their Local Plans addressing social, environmental and economic issues that can only be addressed by effectively working with other authorities beyond their own administrative boundaries.</p> <p>Guidance issued on the 6th March 2014 stresses that close cooperation between District Councils and County Councils in two tier areas will be critical to ensure that both tiers are effective when planning for strategic matters.</p> <p>Essex County Council delivers a wide range of important public services upon which it can provide useful guidance and advice for those carrying out neighbourhood planning projects. A reference guide setting out the main County Council services that might have to be considered when carrying out neighbourhood planning may be accessed at, http://www.essex.gov.uk/Environment%20Planning/Planning/Spatial-Planning/Documents/Neighbourhood_planning.pdf</p> <p>Essex County Council would seek involvement to consider the potential impact of development on the local and strategic highway network, and in particular potential access onto the A127, which is a key route on the County highway network. Essex County Council would wish to be involved in consideration of any overall transport strategy with regards impacts on the A127 and beyond; enhanced bus links to Brentwood Town Centre, and improved walking and cycling routes within the development and to wider networks.</p> <p>Any future growth will need to consider the impact on Early Years and Childcare, Primary and Secondary education. Whilst the Neighbourhood Plan area contains the West Horndon Primary School consideration will need to be given to any need to provide an additional school and/or part expansion. Consideration will also need to be given to ensuring safe and direct routes from the development to West Horndon Primary, if the option to part expand the school is selected. The plan area is located within the secondary school catchment area of Brentwood County High School.</p>	

	<p>Brentwood Surface Water Management Plan Essex County Council is the 'lead local flood authority' and is responsible for dealing with flooding from surface water, groundwater and ordinary watercourses. The emerging Brentwood Surface Water Management Plan highlights a number of areas to be at a higher risk than others to surface water flooding, including West Horndon. Such areas should not be precluded from development but will lead to additional work to identify appropriate mitigation and amelioration work.</p> <p>Historic environment The area within the proposed boundary has not been the subject of a study on the character of the historic environment of the borough of Brentwood. However, it should be noted that the proposed area does contain a number of heritage assets including the church hall complex at Little Warley Hall and the Church of All Saints, which should be considered as an integral part of neighbourhood plan.</p> <p>Strategic Environmental Assessment (SEA) It is generally accepted that a Sustainability Appraisal (SA) of the type that is legally required for a Development Plan Document (eg Local Plan) is not required for Neighbourhood Plans. However, a Neighbourhood Plan may require a Strategic Environmental Assessment (SEA) under EU regulations dependant on the content of the Neighbourhood Plan.</p> <p>Planning Advisory Service (PAS) Guidance recommends that the local authority should undertake an early SEA screening of the neighbourhood plan to highlight if a SEA will be required.</p> <p>The NPPF Practice Guidance has more information on the matter at the following link: http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/</p> <p>Regarding the undertaking of Strategic Environmental Assessment, the following link is a good example of how the requirements can be met: http://www.levett-therivel.co.uk/DIYSA.pdf</p>
<p>Summary of Issues: Essex County Council make no specific comment regarding the proposed Neighbourhood Plan area.</p> <p>Advice is set out with regards to the Duty to Cooperate: a) for County Council involvement in proposals that have potential impact on the local and strategic highway network, in particular potential access to the A127 and links to Brentwood Town Centre. b) for consideration to the impact on Early Years and Childcare, Primary and Secondary education.</p> <p>Further advice is provided regarding the Brentwood Surface Water Management Plan, historic environment, and Strategic Environmental Assessment.</p>	<p>Action(s): Advise that West Horndon Parish Council note the advice and links provided by Essex County Council when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council ensure Essex County Council is consulted as part of future Neighbourhood Plan preparation.</p>

Ref: 019	Name: Anthony Crowley	
	Local resident	Received: 08.07.14
Support	Full Response: I write as a resident of West Horndon and confirm I raise no objections to the proposal.	
Summary of Issues: Support proposed Neighbourhood Plan Area.		Action(s): Support noted

Ref: 020	Name(s): Chris McGough	Position: Director
	Organisation: McGough Planning Consultants Ltd. On behalf of Hermes Property Unit Trust	Received: 08.07.14
Support	Full Response: McGough Planning write on behalf of Hermes Property Unit Trust (“Hermes”), the owners of the Horndon Industrial Park. As you know, we have been looking to masterplan the redevelopment of the Horndon Industrial Park to bring forward a residential led mixed use scheme. We consider the industrial estate can be redeveloped to make a positive contribution to West Horndon in terms of meeting the needs for housing and other facilities that would help the village grow in a sustainable fashion. Hermes wish to express their strong support for the Parish Council’s emerging Neighbourhood Plan and see it as an important tool that would inform the master-planning process for their industrial estate’s redevelopment. Hermes support the Parish Council’s current application to establish the boundary of the West Horndon Neighbourhood Planning area.	
Summary of Issues: Support proposed Neighbourhood Plan Area. Suggest a Neighbourhood Plan will be an important tool to inform masterplan work for the proposed redevelopment of Horndon Industrial Estate.		Action(s): Support noted. Advise that the Parish Council ensure Hermes is consulted as part of future Neighbourhood Plan preparation given their local landholding.

Ref: 021	Name(s): Gabrielle Rowan	Position: Associate
	Organisation: Pegasus Group on behalf of Mrs. F. Rasch	Received: 09.07.14
Support	<p>Full Response: Thank you for the opportunity to comment on the proposed West Horndon Neighbourhood Area.</p> <p>West Horndon Parish Council's application to make the entire parish of West Horndon a Neighbourhood Plan Area is considered appropriate given the strategic importance of West Horndon. West Horndon has been identified as an appropriate location for significant growth in the Local Planning Authority's (LPAs) emerging Local Plan.</p> <p>Given the inadequacies of the LPAs preferred housing target in the Preferred options Local Plan and the inherent sustainability of West Horndon, the parish is likely to experience growth above what was outlined in the Preferred Options Plan. Therefore the West Horndon Neighbourhood Plan will play a critical role in shaping future sustainable development within the Parish. Central to this role will be the Neighbourhood Plan's positive and flexible approach towards aiding the delivery of the LPAs agenda for housing numbers and growth as set out in the Local Plan, as and when it comes forward in future. This is reaffirmed by Paragraph 184 of the National Planning Policy Framework (NPPF) which states that:</p> <p>"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.....Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies."</p> <p>In the absence of a current adopted policy setting out housing supply for the Borough the role and remit of the Neighbourhood Plan will not be to determine the quantum of or to stop development proposals, which promote local and national planning policy, from coming forward.</p> <p>The majority of available development sites within Brentwood Borough and specifically West Horndon are located in the Green Belt. However, the LPA has already shown a commitment to releasing land from the Green Belt for strategic allocations as part of the production of the Preferred Options Local Plan. The LPA, however, state that due to the constraints of a large proportion of the Borough being Green Belt, this should have an impact on their housing delivery and ultimately result in their housing provision being less than their objectively-assessed need. In light of this and until the Brentwood Local Plan has been tested independently, it would be sensible for the Neighbourhood Plan to have a flexible approach and provide a number of options in order to ensure its compliance with the Brentwood Local Plan.</p> <p>The Neighbourhood Plan will be able to identify preferred development sites within the Neighbourhood Area to meet the need identified in the Local Plan and positively plan for further sustainable development in excess of the requirements of the Local Plan. The latter point is a key point for the Parish Council and future Neighbourhood Forum to consider, in light of the likely need for additional housing sites within West Horndon. By identifying development sites and working with developers the Neighbourhood Plan will become a more</p>	

	<p>influential and practical planning policy tool for the benefit of the LPA, developers and the local community.</p> <p>There are complex issues with the delivery of the proposed current allocation at West Horndon (Site Ref: 126) due to the potential impact on the settlement and complex land ownership issues therefore it is probable that a more suitable site also needs to be identified. It is considered that our client's site to the east of West Horndon could play an important role in the delivery of housing in the Borough. We have enclosed a report with this letter which sets out the opportunities of developing this site and the planning policy context the Neighbourhood Plan must comply with.</p> <p>We trust these comments are useful at this time and we look forward to being kept informed of the next stages of the Neighbourhood Plan.</p>
<p>Summary of Issues: Support proposed Neighbourhood Plan Area.</p> <p>Raise issues for further consideration with regards to conformity with the Borough Council's Local Development Plan and suggests the Neighbourhood Plan have a flexible approach with a number of growth options. Specific site comments raised regarding delivery and ownership.</p>	<p>Action(s): Support noted.</p> <p>Advise that West Horndon Parish Council consider the issues raised when preparing its Neighbourhood Plan.</p>

Ref: 022	Name: Colin Foan	
	Local resident	Received: 09.07.14
Support	<p>Full Response: I wish to comment that I have looked at the application West Horndon Parish Council have made to develop a Neighbourhood Plan for the Parish and the map of the proposed area designation.</p> <p>I totally support both the concept of a Neighbourhood Plan for West Horndon and I think that using the Parish boundaries for the area is a good idea and I support that as well. I ask that my views are taken into account when the Borough Council decides whether or not to approve the area designation.</p>	
Summary of Issues: Support proposed Neighbourhood Plan Area.	Action(s): Support noted	

Ref: 023	Name(s): Richard Hatter	Position: Team Manager Strategic Planning Policy
	Organisation: Thurrock Council	Received: 09.07.14
Comment	<p>Full Response: Thurrock Borough Council has considered the recently published consultation regarding the application by West Horndon Parish Council to Brentwood Borough Council to approve a Neighbourhood Plan Area. Thurrock Council has the following initial comments to make.</p> <p>It is noted that West Horndon Parish Council have submitted an application under The Neighbourhood Planning Regulations for a Neighbourhood Plan Area for the entire West Horndon Parish. Thurrock Council has no objection in principle to the extent of the Neighbourhood Plan Area. There is limited information submitted with the application and it is difficult to give more detailed comments at this stage.</p> <p>It is acknowledged a draft Neighbourhood Plan for West Horndon has not yet been prepared and published for consultation and that there will be a formal opportunity to comment on any draft of a Neighbourhood Plan if it progresses. Thurrock Council does not wish to pre-empt the content of any Neighbourhood Plan Area but consider the following to be relevant matters for further consideration.</p> <p>How will the Neighbourhood Plan Area relate to the emerging Brentwood Local Plan and in particular the spatial strategy and proposals it contains.</p> <p>How will the Neighbourhood Plan Area/Neighbourhood Plan relate to the proposed West Horndon Opportunity Area as referenced in Draft Local Plan policies and in particular Policy CP4.</p> <p>As a Local Authority that adjoins Brentwood Borough and West Horndon Parish Thurrock Borough Council would expect to be included in any future consultation and formal engagement stages of a West Horndon Neighbourhood Plan. It is also requested that Bulphan Village Community Forum in Thurrock is consulted at all relevant stages.</p>	
<p>Summary of Issues: Thurrock Council have no objection in principle to the proposed Neighbourhood Plan area. The Council wish to be involved in further Neighbourhood Plan consultation and have advised that Bulphan Village Community Forum should also be consulted.</p> <p>The following questions are raised for consideration by the Parish Council as part of preparing a Neighbourhood Plan:</p> <ol style="list-style-type: none"> 1. How will the Neighbourhood Plan Area relate to the emerging Brentwood Local Plan and in particular the spatial strategy and proposals it contains? 2. How will the Neighbourhood Plan Area/Neighbourhood Plan relate to the proposed West Horndon Opportunity Area as referenced in Draft Local Plan policies and in particular Policy CP4? 		<p>Action(s): Advise that West Horndon Parish Council consider the issues raised when preparing its Neighbourhood Plan.</p> <p>Advise that the Parish Council involve Thurrock Council and Bulphan Village Community Forum in Neighbourhood Plan preparation and consultation.</p> <p>Brentwood Borough Council has added Bulphan Village Community Forum to its consultation database.</p>

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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, or 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 Development Control Committee
Terms of Reference**

- (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.
- (d) To determine fees and charges relevant to the Committee

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