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Planning and Licensing Committee

Tuesday, 23 June 2015 at 7.00 pm Council Chamber - Town Hall

Membership (Quorum – 10)

Cllrs McCheyne (Chair), Trump (Vice-Chair), Barrell, Carter, Cloke, Keeble, Morrissey, Mynott, Newberry, Reed, Tee and Wiles

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	1 Governance & Member Support Officer: Claire Hayde	n	

Governance & Member Support Officer: Claire Hayden Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY 101277 312 500 ⁽²⁾ www.brentwood.gov.uk OPERATION TO 08:00 - 18:00 MONDAY TO FRIDAY, 08:00 - 18:00 ON SATURDAYS AND 10:00 - 15:00 ON SUNDAYS.

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9NN

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APPLICATION NO: 15/00466/FUL

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BRENTWOOD ESSEXBrentwoo139 - 158
d West

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APPLICATION NO: 15/00142/FUL

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Head of Paid Service

Town Hall Brentwood, Essex 15.06.2015

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information						
Point of Order	Personal Explanation	Point of Information or				
A member may raise a point of order	A member may make a personal	clarification				
at any time. The Mayor will hear	explanation at any time. A personal	A point of information or clarification				
them immediately. A point of order	explanation must relate to some	must relate to the matter being				
may only relate to an alleged breach	material part of an earlier speech by	debated. If a Member wishes to raise				
of these Procedure Rules or the law.	the member which may appear to	a point of information, he/she must				
The Member must indicate the rule	have been misunderstood in the	first seek the permission of the				
or law and the way in which they	present debate, or outside of the	Mayor. The Member must specify the				
consider it has been broken. The	meeting. The ruling of the Mayor on	nature of the information he/she				
ruling of the Mayor on the point of	the admissibility of a personal	wishes to provide and its importance				
order will be final.	explanation will be final.	to the current debate, If the Mayor				
		gives his/her permission, the				
		Member will give the additional				
		information succinctly. Points of Information or clarification should be				
		used in exceptional circumstances				
		and should not be used to interrupt				
		other speakers or to make a further				
		speech when he/she has already				
		spoken during the debate. The ruling				
		of the Mayor on the admissibility of a				
		point of information or clarification				
		will be final.				

Material for Planning Consideration

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 residual 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.

Information for Members of the Public

${ild i}$ Access to Information and Meetings	📽 Webcasts
You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are	All of the Council's meetings are webcast, except where it is necessary for the items of business to be considered in private session (please see below).
published. Dates of the meetings are available at <u>www.brentwood.gov.uk</u> .	If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

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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.

Private Session

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

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b P Access

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• Evacuation Procedures

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Minutes



Licensing Committee Tuesday, 13th January, 2015

Attendance

Cllr Barrett (Chair) Cllr Newberry (Vice-Chair) Cllr Mrs Cohen Cllr Mrs Hubbard Cllr Lloyd Cllr Mrs Murphy Cllr Mynott Cllr Reed Cllr Russell Cllr Tee

Substitute Present

Cllr Cloke (substituting for Dr Naylor) Cllr Mrs Coe (substituting for Mrs Henwood)

Officers Present

Ashley CulverwellHead of Borough Health Safety and LocalismZoey FoakesGovernance & Member Support OfficerGary O'SheaPrincipal Licensing OfficerJean SharpGovernance and Member Support Officer

375. Apologies for Absence

Apologies were received from Cllr Dr Naylor and Cllr Mrs Henwood.

376. Minutes of previous meetings

The Committee **RESOLVED** to approve the minutes of the 11 November 2014 Licensing Committee, 31 October and 19 December 2014 Licensing Sub-Committee meetings with an amendment to the latter that the resolution was made unanimously and they were signed by the Chair.

377. Review of Hackney Carriage Fare Setting Process

Members were asked to recommend to the Audit and Scrutiny committee that a cross party task and finish group be set up to review the process for setting of tariffs in respect of Hackney Carriage fares and to suggest a programme for future fare setting.

The report sought the approval for Officers to work with the Taxi Trade Consultative Group as part of the review process.

CIIr Barrett MOVED and CIIr Reed SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that:

A recommendation to Audit and Scrutiny Committee that a cross party Task and Finish Group be established in order to review the process for setting of tariffs in respect of Hackney Carriage fares and advise on a future programme for tariff setting; and

Members authorise officers to engage the Taxi Trade Consultative Group (TTCG) in the review process, also to review the TTCG as part of the process reporting any findings and recommendations to a future meeting of the Licensing Committee.

378. Face to Face Direct Debit Charity Collectors

The report sought Members' approval for officers to review a current agreement between Brentwood Borough Council and the Professional Fundraising Regulatory Association (PFRA) in respect of direct debit charity fundraising.

The report also requested that the Head of Borough Health Safety and Localism, in consultation with the Chair of the Licensing Committee be authorised to amend the site management agreement on behalf of the Council.

Members suggested that other shopping areas in the Borough be included in the review and that consultation be undertaken with relevant Ward Members, also that a Members' Forum be arranged to discuss door to door collectors and other charity collections and that a workshop be set up for all Members to attend. Members noted that the PFRA was not obliged to report back to the Council regarding complaints made but it was thought reasonable that it be requested to do so.

Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that

Members authorise officers to review the current site management agreement for face to face direct debit charity collectors and bring the amended agreement before Members of the committee for final authorisation in approximately six months' time.

379. Markets, including Specialist and Christmas Markets

The report sought Members approval to approach the various Parish Councils with a view to gauge whether there was an interest or a desire to have a Market in their parish area.

Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that:

Members authorise officers to:

i) write to all parish Councils to seek expressions of interest in having a general Market and/or a specialist or Christmas Market in their relevant parish areas; and

ii) to report back to a future meeting of the Licensing Committee with details of responses received and any relevant requirements for adoption areas as "license" or "consent" streets. Public Document Pack



Minutes

Planning and Development Control Committee Tuesday, 14th April, 2015

Attendance

Cllr Baker (Chair) Cllr Mynott (Vice-Chair) Cllr Cloke Cllr Mrs Cohen Cllr Mrs Hones Cllr Hossack Cllr McCheyne Cllr Mrs Squirrell

Apologies

Substitute Present

Cllr Lloyd (substituting for Cllr Morrissey) Cllr Quirk (substituting for Cllr Carter) Cllr Reed (substituting for Cllr Mrs Henwood)

Also Present

Cllr Mrs Murphy Cllr Ms Sanders Cllr Tee Cllr Crowley Cllr Harman Cllr Foan

Officers Present

558. Apologies for absence

Apologies for absence were received by Cllr Mrs Henwood, Cllr Reed substituted; Cllr Morrissey, Cllr Lloyd substituted; and Cllr Carter, Cllr Quirk substituted.

559. Minutes of the previous meeting

The Minutes of the meeting held on 3rd March 2015 were agreed and signed by the Chair as a correct record, subject to a correction from Cllr Mrs Hones Min 471- Modern Planning Service: only Ward Members who do not sit on the Committee, Chair and Vice-Chair will be able to request Call-In. Where a Ward Member has called in an application that Member will not be able to sit on the Committee as a Substitute Member.

560. Planning Application and Matters

The Chair reminded those present of the procedure to be followed in order to allow the public, etc, to speak at the meeting, where requisite notice had been given.

Notwithstanding any comments made by the public, etc, Members were reminded that they had to base their decision on the material planning considerations appertaining to each application

Petition – Hopefield Animal Sanctuary

A petition was received by the Mayor at Full Council and stands referred to the Planning and Development Committee. The future allocation of the use of the land occupied by the Sanctuary will be considered in the Local Development Plan process. The Chair asked the Policy Team to ensure that the petition is taken into account, and the petitioners informed of the outcome.

561. Variation in the Order of the Agenda

Cllr Baker MOVED, Cllr Mynott SECONDED and it was **RESOLVED UNANIMOUSLY** that since a member was unwell, but wished to speak on item 7, this item will be moved to after item 3.

562. POTENTIAL HOUSE 149 - 157 KINGS ROAD BRENTWOOD ESSEX CM14 4EG - APPLICATION NO: 14/01115/FUL

Mr Pick was present and addressed the committee in support of the application. He explained that the application was for 12 rooms and that the occupiers would be chosen in co-operation with the local authority and would not be likely to have access to a car.

Ward Members raised concerns over the lack of facilities and Health and Safety within the development, lack of provision made for recycling or a communal bin area and parking, and sought advice from the Environmental Health Team Leader on the numbers of occupiers and standards and also car-free arrangements.

A motion was MOVED by Cllr Lloyd and SECONDED by Cllr Quirk that the application be refused.

FOR: Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (11)

AGAINST: (0)

ABSTAIN: (0)

RESOLVED UNANIMOUSLY to refuse this application for the following reason:

- 1 The occupiers of and visitors to the proposed HMO would not be provided with any off-street parking and so would need to park on the street close to the HMO but, as there is already competition for onstreet parking spaces, the existing parking pressures during the evenings and weekends would be exacerbated which would increase the risk of illegal parking and add unacceptably to the risk of harm to highway safety, contrary to the NPPF (Section 4) and Policies CP1 (criteria iv and v) and T2 of the Brentwood Replacement Local Plan.
- 2 The HMO, as proposed, could accommodate up to 23 residents. On this basis, the proposed development would not provide an adequate quality of life for the occupiers of the proposed HMO as a result of the lack of private amenity space and external bin storage as well as the limited internal space and facilities, contrary to the NPPF (section 6) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

563. WYNBARNS FARM 148 CHELMSFORD ROAD SHENFIELD ESSEX CM15 8RT - APPLICATION NO: 15/00024/FUL

Mr Lorkins was present and addressed the Committee in support of the application.

Mr Gregory was also present and addressed the Committee in support of the application.

Ward Members spoke in support of the application. The Chair presented a letter from Solicitors for the owners of Wynbarns Farm inviting the Committee to grant the application, subject to a time condition relating to a rent free twenty-five year lease, with an option to renew, to Hutton Football Club of the thirteen acre site within the farm .

Hutton Football Club must submit a separate application for the pitches that will be determined on its own merits in accordance with the Council's local plan.

A motion was MOVED by Cllr Cohen and SECONDED by Cllr Quirk to approve the application.

FOR: Cllrs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Quirk, Mrs Squirrell and Reed (10)

AGAINST: (0)

ABSTAIN: Cllr Mynott (1)

The Permission hereby granted shall not be commenced until after arrangements have been made in writing to the satisfaction of the Local Planning Authority securing the provision of football pitches on the land shown edged blue on the application plan.

RESOLVED to approve this application on the following conditions

Conditions

The Permission hereby granted shall not be commenced until after arrangements have been made in writing to the satisfaction of the Local Planning Authority, confirming football pitches will be provided to Hutton Football Club on a 25 year lease at no cost and a clear case made to enhance provision of community, sports and recreational facilities in the Borough.

564. LAND TO THE SOUTH OF 229 BRENTWOOD ROAD HERONGATE ESSEX - APPLICATION NO: 14/01313/FUL

Members were advised that the Chair disclosed a personal interest and therefore stepped down from this role as Chair on this application. Cllr Mynott become Chair for the duration of this item.

Cllr Mynott asked for nomination for a Vice-Chair for this item only. Cllr Mynott nominated Cllr Lloyd. A vote was taken on a show of hands and Cllr Lloyd was appointed Vice-Chair for the duration of this item.

Mr Anderson was present and addressed the Committee in objection of the application.

Mr Hayhurst was also present and addressed the Committee in support of the application.

Cllr Harman from Herongate and Ingrave Parish Council spoke in objection of the application and raised concerns relating to the wildlife, conservative area and traffic flow on the Brentwood Road (A128).

Highways Officer were not convinced that standards over visibility can be made for a new access road on a main distributor road. This would therefore be contrary the Local Transport Plan 2006-2011.

Ward Members spoke in objection of this application. Expressing her concerns with speeding and traffic flow.

A motion was MOVED by Cllr Mynott and SECONDED by Cllr Mrs Squirrell.

FOR: Cllrs Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (10)

AGAINST: (0)

ABSTAIN: (0)

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

R1 U09466

The proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework). It would detract from the openness of the Green Belt and would represent an encroachment of development into the Green Belt countryside. The proposal would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 the objectives of which are fully consistent with the objectives of the Framework as regards development in Green Belts. The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. The Framework goes on to indicate that "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. The considerations set out by the applicant and identified by local planning authority do not clearly outweigh the harm to the Green Belt arising from this proposal and it follows that the "very special circumstances" needed to justify the approval of inappropriate development in the Green Belt have not been demonstrated.

R2 U09467

The design of the buildings, by reason of their repetition and uniformity fails to integrate into the existing natural, built and historic environment, which would detract from the character and appearance of the area in conflict with Policy CP1 (i) of the Brentwood Replacement Local Plan and one of the aims of the Framework (para. 56 and 61 refer) which requires new development to be of high quality and good design.

R3 U09468

As a result of its scale, siting and design the proposal would be unacceptably harmful to the setting of the Grade II* registered park Thorndon Hall, the setting of the Grade II listed building Park House, and to the adjacent Conservation Areas. The harm to the significance of heritage assets would be "less than substantial" as defined by the Framework; however that harm would not be outweighed by public benefits arising from the proposal. The proposal would therefore conflict with Policies C14 and C15 of the Brentwood Replacement Local Plan and the objectives of the Framework as regards heritage assets. The matters put forward by the applicant are noted but these are not sufficient to outweigh the harm to heritage assets.

R4 U09469

There would not be provision of a sufficient vehicular visibility splays of 2.4m x 90m to the north, the creation and use of this access would therefore result in vehicles emerging with inadequate visibility which would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. The proposed development therefore conflicts with Policy T2 of the Brentwood Replacement Local Plan 2005 and the aims and objectives of the Framework.

R5 U09470

The matters advanced by the applicant in support of the application would not clearly outweigh the harm the development would cause through inappropriateness, reduction in openness of the Green Belt within which the site is located, harm to the character and appearance of area including the conservation areas and Listed building. Therefore, the very special circumstances necessary to justify the grant of planning permission for inappropriate development do not exist.

(Cllr Baker declared a non pecuniary interest under the Councils Code of Conduct by vitue knowing a family member of the owner and therefore stepped down from this role as Chair and did not participate in the discussion or vote)

The meeting was adjourned for 10 mins for a comfort break.

565. FORMER MOUNTNESSING SCRAP YARD ROMAN ROAD MOUNTNESSING ESSEX - APPLICATION NO: 14/01446/EIA

Mr Simmonds was present and addressed the committee in support of the application.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to approve this application.

FOR: Clirs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (11)

AGAINST: (0)

ABSTAIN: (0)

RESOLVED UNANIMOUSLY to approve this application subject to the completion of a Section 106 Agreement including contributions Highways, Affordable Housing (on and off-site) open space and health contributions to a Doctor's Surgery and Education including extension to the local primary school, and to the following conditions:-

1 TIM03 Standard Time Outline - 3 years

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

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

2 U09673 RES MATTERS condition...

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) and reports and their recommendations 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 BOU01 Boundary treatment to be agreed (gen)

No boundary treatments or means of enclosure shall be erected 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.

4 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,

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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. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

5 MAT01 Samples (details acceptable)

No development above ground 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.

6 MAT04 Surfacing materials

No hardsurfacing works shall take place until details of the surfacing materials of driveways and parking areas have been submitted to and approved in writing by the local planning authority. Construction shall be in strict accordance therewith.

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

7 SIT01 Site levels - to be submitted

No development shall take place until 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. 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. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

8 U09644

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development

iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. These details are required prior to the commencement of the development to ensure that highway safety is not compromised from the start of the works.

9 U09645

No development shall take place until details of the pedestrian islands in Widvale Road have been submitted to and approved in writing by the Local Planning Authority. The pedestrian islands shall be constructed in accordance with the approved details, prior to first occupation of the development.

Reason: To facilitate pedestrian and cycle movements between the proposed northern and southern part of the site in the interest of highway safety and accessibility. These details are required prior to the commencement of the development to ensure that safe pedestrian and cycle movements are possible as a result of this development.

10 U09646

No development shall take place until details of the means to prevent right turning traffic into the proposed estate road immediately to the south west of the main access have been submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed in accordance with the approved details, prior to first occupation of the development.

Reason: To ensure that traffic turning right into the estate road does not cause blocking to the Roman Road roundabout, in the interest of highway safety and accessibility. These details are required prior to the commencement of the development to ensure that safe vehicular movements are possible as a result of this development.

11 U09647

Prior to the first occupation of the development hereby approved, the developer shall construct the access to the northern part of the site with a minimum clear to ground visibility of 2.4 metres x 59 metres, as measured from and along the nearside edge of the carriageway. The visibility splays shall be retained free of obstruction thereafter.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

12 U09648

Prior to the first occupation of the development hereby approved, the developer shall construct a 3.5 metre footway/cycle route from the main site access around the A12, Junction 12, Interchange to connect to the existing footway/cycle route adjacent to Chelmsford Road.

Reason: To facilitate pedestrian and cycle movements between the site and the local area in the interest of highway safety and accessibility.

13 U09649

Prior to the first occupation of the development hereby approved the developer shall provide improvements to the northbound bus stop on Roman Road to include raised kerbs, a new shelter and shelter mounted Real Time Passenger Information, together with improvements to the southbound bus stop to include a new shelter and shelter mounted Real Time Passenger Information.

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

14 U09650

Prior to the first occupation of the development hereby approved, the developer shall provide the first occupier of each new dwelling with a Residential Travel Information Pack. The packs shall include information in support of sustainable transport. Details of the packs shall have been submitted to and approved in writing by the Local Planning Authority. Each pack shall include six one day travel vouchers for use with the relevant local transport operator.

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

15 U09651

The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstand to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

16 U09652

The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety.

17 U09653

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

18 U09654

The development site is within 15 metres of a sewage pumping station. There should be no development within 15 metres from the boundary of a sewerage pumping station of this type.

Reason: In the interest of the residential amenity of future occupiers.

19 U09665

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed:

1. Finished first floor levels are set at or above 54.1m AOD

2. A scheme for the provision of compensatory storage shall be submitted and agreed with the Local Planning Authority prior to any development being undertaken.

Reasons:

1. To reduce the risk of flooding to the proposed development and future occupants.

2. To ensure flood risk is not increased elsewhere.

These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

20 U09666

No development hereby approved shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 033621 and subsequent emails dated 18th and 24th February.

Reason: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

21 U09667

Subsequent to further contaminated land investigations proposed by the developer, a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the start of the development of the site. The agreed remediation scheme will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: In the interest of the living conditions of the future occupiers of the site. These details are needed prior to the commencement of the development to ensure that acceptable living conditions can be provided before the developer goes to the expense of beginning the development.

22 U09668

Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: In the interest of the living conditions of the future occupiers of the site.

23 U09669

The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site or beneficial occupation of the office building hereby permitted until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: In the interest of the living conditions of the future occupiers of the site.

24 U09670

Noise emitted from the dwellings shall be lower than the existing background noise level (50.5 LA90,T dB(A)night) expressed as LA90, by at least 5dB at any time measured at the facade of the nearest residential dwelling.

Reason: To prevent any possible noise nuisance from any air handling/extraction/mechanical heat exchange units etc associated with the estate in the interest of the residential amenity of nearby residents.

25 U09671

On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise, incorporating effective ventilation, in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal night noise levels of 30dBLAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interest of the residential amenity of nearby residents.

26 U09672

No development shall take place until arboricultural reports to include a management plan post development have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

27 U09674

No development shall take place until a full reptile mitigation plan, full bat mitigation plan and an ecological site management plan have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of the ecological value and biodiversity on the site. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority. Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission> (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

29.

No occupation <of any part of the permitted development / of each phase of development> shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The

long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

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No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 - A6, J1 - J7 and N7. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

31.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters (Secondary A and Principal aquifers, nearby groundwater abstraction and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

32.

No development shall take place until the a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development have been submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason:

To enhance the sustainability of the development through better use of water, energy and materials. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

33.

No development shall place until a scheme for the provision and implementation of rainwater harvesting has been submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

Reason:

To enhance the sustainability of the development through efficient use of water resources. These details are needed prior to the commencement of the development as this matter is still outstanding and without this further information the development as a whole may not be acceptable. No works should therefore take place until these fundamental details have been agreed by the local planning authority.

34.

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

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

35.

All tree and/or shrub clearance shall occur outside the bird breeding seasons:

Reason: In the interest of the biodiversity of the site.

566. FORMER ELLIOTS NIGHTCLUB AND PETROL STATION, SOUTHEND ARTIERIAL ROAD, WEST HORNDON, ESSEX APPLICATION NO: 14/1247/FUL

Mr Chapman was present and address to committee in support of the application.

Cllr Foan from West Horndon Parish Council spoke in support of the redevelopment of the site.

Members debated the application. The site has been vacant for 30 years, is a brownfield siteand has an extant permission. The development would provide housing for the Borough.

Members considered that these matters clearly outweighed the harm the development would cause to the Green Belt and all other harm, in this case.

A motion was MOVED by Cllr Lloyd and SECONDED by Cllr Mrs Squirrell to approve this application.

FOR: Clirs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne and Mrs Squirrell (8)

AGAINST: (0)

ABSTAIN: Cllr Mynott and Reed (2)

RESOLVED: The Application be approved subject to a S106 Agreement securing contributions of £64,988 Education Contribution towards the provision of primary school places, extension of the footway along the A127 slip road a contribution of £60,000 towards public open space and affordable housing (at a level to be agreed) and subject to the following conditions;

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

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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 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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 prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt

- 7 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 development falling within Class E of that Order (buildings, enclosures, swimming or other pools) shall be carried out without the prior grant of specific planning permission by the local planning authority. Reasons: To safeguard the living conditions of the occupiers of the new dwellings (Plots 3-6) and to prevent a proliferation of buildings that would conflict with the policies of restraint within the Green Belt.
- 8 The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently removed from the site prior to the first occupation of any part of the development hereby permitted. Reason In the interests of maintaining the openness of the Green Belt.
- 9 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i. the parking of vehicles of site operatives and visitors ii. loading and unloading of plant and materials iii. storage of plant and materials used in constructing the development iv. wheel and underbody washing facilities Reason: To ensure that onstreet parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.
- 10 No development shall take place until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage including surface water runoff from the proposed noise bunds) shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.
- 11 The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or

bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling. Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 12 The junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials. Reason: To ensure that the junction is constructed to the appropriate standard in the interests of highway safety.
- 13 No development shall take place until, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the A127 slip road to the north and 2.4 metres by 215 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times. Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.
- 14 The proposed development shall not be occupied until such time as the vehicle parking area indicated on Drawing no.D.01 Revision D, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.
- 15 The cycle parking facilities as shown on Drawing No. D.01 Revision D, are to be provided prior to the first occupation of the development and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.
- 16 Prior to the first occupation of the development hereby approved, the developer shall provide the first occupier of each new dwelling with a Residential Travel Information Pack. The packs shall include information in support of sustainable transport. Details of the packs shall have been submitted to and approved in writing by the Local Planning Authority. Each pack shall include six one day travel vouchers for use with the relevant local transport operator. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 17 Where material is imported on site, the importation shall be of uncontaminated soils only. Reason: In the interests of the health and safety of existing and future residents.
- 18 Details of the surfacing materials of driveways and parking areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby approved and construction shall be in strict accordance therewith. Reason: In order to safeguard the character and appearance of the area.
- 19 No development hereby approved shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before any of the dwellings hereby permitted are occupied. Reason: To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water and ensure the system operates as designed for the lifetime of the development.
- 20 Subsequent to further contaminated land investigations proposed by the developer, a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the start of the development of the site. The agreed remediation scheme will be implemented prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site. Reason: In the interest of the living conditions of the future occupiers of the site.
- 21 Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate remediation scheme shall be submitted for approval by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site. Reason: In the interest of the living conditions of the future occupiers of the site.
- 22 The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such

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works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site or beneficial occupation of the office building hereby permitted until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above. Reason: In the interest of the living conditions of the future occupiers of the site.

- All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.
- 24 The acoustic screen shall be completed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted. Reason: In order to ensure that the occupiers of the dwellings are not exposed to unacceptable levels of traffic noise disturbance.
- 25 The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) and supporting documents listed above, and specifications. Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

(Cllr Quirk declared a non pecuniary interest under the Council Code of Conduct by virtue of knowing the applicant and therefore left the Chamber and did not participate in the discussion or vote).

567. 9 THORNDON AVENUE WEST HORNDON ESSEX CM13 3TT - APPLICATION NO: 14/01473/FUL

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

Mr Newton was also present and addressed the committee in support of the application.

Cllr Foan, West Horndon Parish Council expressed concerns relating to safe accessing the A127.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Lloyd to refuse this application.

- FOR: Clirs Baker, Cloke, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Quirk, Mrs Squirrell and Reed (10)
- AGAINST: (0)

ABSTAIN: Cllr Mynott (1)

RESOLVED: This is application is refused for the following reason:

The proposal represents tandem development out of character in West Horndon, and would have an unacceptably adverse impact on the amenities of the adjoining premises 11 Thorndon Avenue.

568. KELROSE LITTLE WARLEY HALL LANE LITTLE WARLEY ESSEX CM13 3EU - APPLICATION NO: 15/00011/FUL

Mr Aves was present and addressed the committee in support of the application.

A Ward Member was present and spoke about the support shown by residents to this application, as the replacement building seemed to be a welcome improvement.

Members considered that, on balance, the proposal was acceptable.

A motion was MOVED Cllr Baker and SECONDED by Cllr Mynott to approve this application.

FOR: Cllrs Baker, Mrs Cohen, Mrs Hones, Hossack, Lloyd, McCheyne, Mynott, Quirk, Mrs Squirrell and Reed (10)

AGAINST: (0)

ABSTAIN: (0)

RESOLVED to approve this application on the following conditions.

1 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

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amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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.
- 3 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.
- 4 The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently removed from the site prior to the first occupation of any part of the development hereby permitted. Reason - In the interests of maintaining the openness of the Green Belt.
- 5 The relationship between the height of the building herby permitted and adjacent buildings shall be as indicated on the approved drawing. Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.
- 6 No development shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. 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 No development shall take place until details of a privacy screen along the southern boundary of the site have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved screen has been constructed and the screen shall be retained in perpetuity. Reason: In

the interests of the privacy of the occupiers of the existing and proposed dwellings.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt
- 9 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.

(Cllr Cloke declared a non pecuniary interest under the Council Code of Conduct by virtue of owning the neighbour to the applicant and therefore left the Chamber and did not participate in the discussion or vote).

569. Urgent business

Urgent Business – Article 4 Directions for Barrack Wood, Warley

Barrack Wood in Warley was purchased in 2014 by Woodland Investment Management Limited. Barrack Wood comprises two sites - one of 55 acres and the other of 8 acres. According to the purchaser's website, Woodlands.co.uk, it sells off plots of woodland so that "people can have a wood of their own". The company is now actively marketing Barrack Wood and Burnt Wood for sale on the open market (see Appendix for site map). There is a SOLD sign erected on the Warley Wood site within Barrack Wood of 4.4 acres.

While the sale of the woodland is perfectly legal, the exercise of the permitted development rights each individual woodland plot owner would be entitled to would harm the woodland's amenity character and bio-diversity. In considering this issue there are national and local policies to consider, in particular whether pro-active measures are justified to withdraw permitted development rights. It is considered that the development under permitted development rights without an express planning permission enabling detailed consideration would be prejudicial to the proper planning of the area and a threat to the amenities.

The Government has consolidated and amended Permitted Development rights (Statutory Instrument 2015 No.596) which comes into effect on the 15th April 2015. In order to ensure the managed stewardship of these precious woodlands, the Council is therefore recommended to authorise an Article 4 Direction so that the permitted development rights are withdrawn. If the

recommended Article 4 Direction is agreed, all development works within the woodlands would require planning permission. Approved woodland management agreed by the Forestry Commission would be permitted.

The procedure for Article 4 Directions is set out in Schedule to the 2015 consolidated Order. The Direction relating to the erection of any means of enclosure within the woodlands, changes of use and temporary uses will have immediate effect. The Direction relating to use as a caravan site and for recreational facilities, agriculture and forestry and development relating to roads will not have effect until confirmed.

The previous owner of Barrack Wood has other woodlands in the Borough with similar characteristics to Barrack Wood. It is recommended that authority be delegated to the Head of Planning after consultation with the Chair of the Committee and Ward Members to issue and serve similar Article 4 directions if those or other comparable woodlands appear to be under similar threat in the future.

A motion was MOVED by Cllr Baker and SECONDED by Cllr Mynott to accept the recommendation set out in the report. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

- 1. That the Article 4 Direction shown in the Appendix be authorised and served.
- That authority be delegated to Head of Planning, after consultation with the Chair and Ward Members, to issue and serve similar article 4 Directions in relation to other comparable woodlands in the Borough if they appear to be under similar threat in the future.

REASON FOR DECISION

Given the potential immediate threat to the integrity of the woodlands affected, it is deemed necessary to issue the two Article 4 Directions, one of which should take immediate effect due to the potential risk of inappropriate works.

The meeting concluded at 11.30pm

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Agenda Item 3

23 June 2015

Planning and Licensing Committee

Establishment of Licensing Sub-Committee

Report of: Christopher Potter, Monitoring Officer and Head of Support Services

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Following the establishment of a single Planning and Licensing Committee by Annual Council on 20 May 2015, this report prudently highlights the two broad distinct functions which the Committee now exercises, namely as the local planning authority and as the licensing authority.
- 1.2 The former Licensing Committee for the better discharge of its Licensing Act 2003 functions and the Gambling Act 2005 functions operated through a sub-committee.
- 1.3 The report recommends that this newly established Committee continues this practice and uses it powers to establish a licensing sub-committee for this municipal year and forthcoming municipal years to undertake its licensing functions under the Licensing Act 2003 and the Gambling Act 2005.

2. Recommendation(s)

- 2.1 That one Licensing Sub-Committee be appointed under section 102(1)(c) of the Local Government Act 1972, be established under section 9(1) of the Licensing Act 2003 and under all other powers for this municipal year 2015/2016 and forthcoming municipal years, with the terms of reference as set out in the Council's Constitution, and be comprised of three councillors drawn solely from the permanent membership of the Committee.
- 2.2 That the Committee reviews its Licensing Sub-Committee arrangements each municipal year.

3. Introduction and Background

- 3.1 Before considering the proposal for the establishment of the Licensing Sub-Committee by this recently created Committee, it is important to understand the nature of the Committee itself (as well as the two broad distinct functions of the Committee relating to the Council's separate roles as the local planning authority and the local licensing authority).
- 3.2 It is a hybrid Committee in that it discharges functions as an 'ordinary committee' under section 101 of the Local Government Act 1972, and also is a 'statutory committee' under section 6(1) of the Licensing Act 2003.
- 3.3 There is no statutory limitation on the numerical membership of the Committee as regards its ordinary committee activities but it is subject by law to the political balance rules.
- 3.4 However, by law the Committee functioning as a statutory committee *in respect of Licensing Act 2003 and Gambling Act 2005* matters must have at least 10 but no more than 15 members of the Council though it is not required by law to be politically balanced but is by local choice. This restriction only applies to these limited licensing functions.
- 3.5 The Council has decided that the Committee should have a permanent membership of twelve councillors and the quorum of the Committee is three councillors for a valid meeting.
- 3.6 Due to this numerical membership restriction when the Committee exercises Licensing Act 2003 and Gambling Act 2005 functions, the substitution of Members on to the Committee (acting as a statutory committee in respect of Licensing Act 2003 and Gambling Act 2005 functions ONLY) is not possible as a matter of law, notwithstanding anything that any Constitution may otherwise provide.
- 3.7 The Committee has eight substitutes but these substitutes can only be used to determine functions of the local planning authority and functions of the local licensing authority which do not relate to the Licensing Act 2003 and Gambling Act 2005 functions.
- 3.8 The Council as Licensing Authority is therefore legally not able to substitute as and when it wishes as to do so it would remove the statutory requirement to establish a licensing committee 'of at least 10 but no more than 15 members of the authority' (section 6(1) of the Licensing Act 2003).

No Council's Constitution can override statutory provision. It cannot be circumvented through the device of having substitutes.

- 3.9 It is stressed that this does not prevent the substitution of members in respect of any other functions of the Committee i.e. other licensing functions and planning functions can be determined through the use of substitute members.
- 3.10 When operating as a statutory committee in its licensing functions, the Committee deals with:
 - the Licensing Authority's licensing functions under the Licensing Act 2003 or any related matter (except for functions conferred on the Council as the Licensing Authority under section 5 of the Licensing Act 2003 ['Statement of Licensing Policy']);
 - the Licensing Authority's licensing functions under the Gambling Act 2005 (except for the functions conferred on the Council as the Licensing Authority under section 166 of the Gambling Act 2005 ['Resolution not to issue casino licences'], and section 349 of the Gambling Act 2005 ['Licensing Policy Authority Statement']).
- 3.11 When sitting as an ordinary committee, the Committee undertakes all other licensing and registration functions of the Council which are delegable (except in so far as the subject matter may fall within the terms of reference of any other committee) and its functions in relation to its role as the local planning authority.
- 3.12 Fortunately given the potential and actual workload, the Committee has statutory powers to appoint/establish and delegate some of its responsibilities to one or more sub-committees.
- 3.13 The Committee has to-date operated a single licensing sub-committee and there has been no need to incur the expense of having more than one.

4. Issue, Options and Analysis of Options

- 4.1 The Committee undertakes a variety of licensing matters.
- 4.2 Although the nature of the work required of the Committee means that Members of the Committee require to be and are trained for the multiple roles before being permitted to sit on the Committee, there is also merit in

further specialism where appropriate, especially given the increasingly complexities of legislation and statutory guidance.

- 4.3 The Committee has power under section 102(1) (c) of the Local Government Act 1972 to appoint one or more sub-committees.
- 4.4 The Committee has power under Section 9(1) of the Licensing Act 2003 to establish one or more sub-committees consisting of three members of the Committee.
- 4.5 Substitution of other Members of the Council (who are not Members of the Committee) onto a licensing sub-committee operating as a statutory sub-committee cannot occur due to the statutory restrictions so members of any such licensing sub-committee must come from the trained pool of Members of the Committee only. Relatively recent case law confirms this.
- 4.6 The Committee has successfully managed its business through the use of just one licensing sub-committee.
- 4.7 The Committee is therefore recommended to appoint/establish a single licensing sub-committee for this municipal year 2015/2016 and subsequent municipal years.
- 4.8 Through the mechanism of agenda management there will be a separation out of the respective functions of the Committee so that planning matters and licensing matters will be distinguished. As regards licensing matters, there will be a further separation out between the Licensing Act 2003 and the Gambling Act 2005 functions and the rest of the licensing functions. This will enable the Committee to easily recognise which element of its functions it is exercising and so make clear whether substitutes can take part.

5. Reasons for Recommendation

5.1 The recommendation facilitates the effective conduct of Council business and better focuses limited Council resources to undertake an increasingly complicated function.

6. Consultation

6.1 None.

7. References to Corporate Plan

7.1 This report support the Modern Council priority improving service delivery and reducing unnecessary bureaucracy.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director/Section 151 Officer **Tel & Email:** 01277 312542/ christopher.leslie@brentwood.gov.uk

8.1 None directly arising from this report though it is important to ensure the most effective use of resources (including training budgets).

Legal Implications Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 The legal implications are already set out in the body of the report.
- 8.3 The case of <u>R (Bridgerow Limited) v. Cheshire West and Chester Borough</u> <u>Council</u> [2014] illustrates the importance of understanding the division of functions and properly constituting a sub-committee, including getting its membership correct. The decision of that Council's licensing subcommittee was of no effect in that the chair of their sub-committee had not been member of that authority's licensing committee and so the licensing sub-committee had not been lawfully constituted.

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

- 8.4 Licensing may involve significant sums of money being at stake and so it is vital that regulatory decisions are properly determined by fully trained Members and dealt with by the most appropriate body if it cannot be done at officer level.
- **9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)
- 9.1 None.

10. Appendices to this report

None.

Report Author Contact Details:

Name:	Christopher Potter, Monitoring Officer and Head of
	Support Services
Telephone:	01277 312860
E-mail:	christopher.potter@brentwood.gov.uk

04. 10 CARPENTERS PATH HUTTON ESSEX CM13 1LJ

CHANGE OF USE FROM A RESIDENTIAL PROPERTY TO A RESIDENTIAL CHILDREN'S HOME (USE CLASS C2).

APPLICATION NO: 15/00125/FUL

WARD	Hutton North	8/13 WEEK DATE	26.03.2015
PARISH		POLICIES	NPPF NPPG CP1 LT10 T5
CASE OFFICER	Ms Sukhi Dhadwar	01277 312604	
Drawing no(s) relevant to this decision:	01; 02; 03; 04; 05 COMMUNITY RISK ASSESSMENT; 06 STATEMENT OF PURPOSE;		

This application was referred by Cllr Quirk from Weekly Report No 1683 for consideration by the Committee. The reason(s) are as follows:

I refer this application on the grounds that the objections raised are subjective. The application accords with Govt planning policy.

Update since publication of Weekly List 1683

None	

1. Proposals

Planning permission is sought for the change of use of 10 Carpenters Path from (C3) residential to a children's care home (C2).

No external changes are proposed, however some minor internal alterations have been made.

The new layout provides 4 bedrooms and can provide accommodation for up to 4 children aged between 11-18. The facility would provide accommodation for children referred from Essex County Council and the London area.

Placements are based on need for example where children's parents are unwell; have family problems; are in Local Authority care; are subject to a court order or an interim care order or as a result of foster placement breakdown.

The children may exhibit one or more of the following:--Behaviour that challenges, including verbal and physical aggression. -Self injury or harm -Attention Deficit Hyperactivity Disorder (ADHD) -Language/communication difficulty or delay -Autistic Spectrum Disorder (ASD) including pathological demand avoidance (PDA) and Asperger's Syndrome. -Oppositional Defiant Disorder (ODD). - Mild to moderate learning disability -Mental Health needs.

The children would live as a household but in the care of staff. A bank of 7 staff (Not all have yet been appointed would work on a shift rota system to care for the children, with two staff members being present at all times. No carer will sleep on the premises. Staff change overs and visits from the Registered Home Manager would mean that three adults could be present for short periods. A site meeting for all staff will be held once a week.

An email received on 4th March 2015 from the applicant details 4 new members of staff who have been appointed to help run the home. All have NVQ level 3 in social care and a total of 51 years of experience in working within children's care homes.

The applicant expects at least one driver per shift so a minimum of 1 car, in all likelihood both members of staff will be drivers so an average of two cars and the occasional need for a visitors space would be required.

The applicant company is owned by an umbrella company which is a transport company therefore they will have access to additional vehicles if required (i.e. if a staff member does not own a car, or would prefer not to use their own car, or if they need a 7 seated car) these will be stored in a secure location in East London for access for the whole company. The applicants have stated that if they require the use of the company cars a member of staff would pick the car up on the way in to work and travel to the house in it (leaving their own car in the company lot), meaning the number of parking spaces required would remain the same.

2. Policy Context

The National Planning Practice Guidance (NPPG) provides additional guidance which 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).

Of particular relevance to this application are the following policies:

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 1 requires that planning decisions should support sustainable economic growth.

Chapter 7 requires that planning decisions should promote a good standard of design and good standard of amenity for all existing and future occupants of land and buildings.

Chapter 8 requires that the planning system should play an important role in facilitating social interaction and creating healthy, inclusive communities.

Brentwood Replacement Local Plan

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.

LT 10 (Changes of Use or New Buildings for Institutional Purposes) requires that proposals involving the change of use to or new buildings for institutional purposes within the built -up area will be permitted only where the proposal is in close proximity to appropriate social facilities and the site is easily accessible by public transport, walking and cycling.

T5 (Parking- General) Any provision for vehicle parking will be expected to comply with the parking standards set out in appendix 2.

3. <u>Relevant History</u>

- 11/00018/S192: Certificate Of Lawful Development For Proposed Residential Loft Conversion. -Application Permitted
- 11/00173/FUL: Loft Conversion Incorporating Two Front Dormer Windows. -Application Refused
- 14/01349/S192: Change of use from a C3 dwellinghouse to a C2 Residential Institution. -Application Refused
- 15/00103/S192: Certificate of Lawfulness for a proposed change of use (C2). -

4. <u>Neighbour Responses</u>

Letters were sent to occupants of adjoining and nearby properties. A site notice was also displayed. At the time of the writing of this report 75 responses had been received and a petition with 38 signatures. The issues raised are as follows: -

- Applicants block road up with cars which has caused traffic congestion and danger.

- Concern regarding negative impact on neighbourhood's existing children.

- Applicant has caused damage to Council Green as a result of parking on it.

- This area is not suitable for children aged 11-18 with emotional and behavioural problems. Lack of space will breed contempt, anger and raise their anxiety levels which will have a massive effect on this community.

- Adjoining neighbour is recovering from a rare form of cancer and finds living each day a struggle, the additional stress of this application will harm recovery.

- Alarms have been installed and need to be regularly tested and cause alarm to neighbours. The shift workers coming and going during the night will cause disruption to my children's sleeping patterns especially as both mine and the applicant's property are attached.

- If a young person were to be admitted due to an emergency this too could cause noise and out of the normal residential family activity.

- Documents incorrectly state that prior residents were a family made up of 4 adults and 3 children. It was actually 2 adults and 2 children and the residents before that were 2 adults and 2 children. (2013).

- Feel threatened by the use security cameras which have views which reach further than the perimeters of the site which leads me to believe that the Green and parking area are being recorded. This is an infringement of our privacy.

- Semi detached and terraced houses not suitable for this use.

- Operated as a business.
- How many hours per shift?

- What qualifications do the carers have? The statement of purpose states carers are in the process of gaining qualifications.

- Due to low pay scales, what provisions would there be for covering emergency sickness. One carer is not adequate to control 16-18 year olds.

- Worry about safeguarding our own children. The accompanying documentation states that all young people at Savanna House are considered vulnerable' with offending history, offending behaviours and susceptibility to sexual exploitation. Whilst it is acknowledged that the children will be looked after and cared for in the home, how will they be supervised when accessing community facilities. How can they monitor teenagers' activities?

- Local services are already stretched, Care home Children will put on top of list which would be unfair to locals.

Safety concerns.

- There will be a rise in vandalism.
- Proposal will harm the quietness of the area.
- Likely to generate parking problems.
- Will impact property prices.

5. <u>Consultation Responses</u>

• Highway Authority:

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the existence and previous use of the unit for residential, the location with good access to frequent public transport, and the neutral impact on parking.

• Environmental Health & Enforcement Manager:

With regard to the above Planning application I confirm that Environmental Health have no comments to make.

• Essex Social Services:

I can confirm that Essex Social Service would not place a LAC in a residential home unless the home has a registered manager and is rated by OFSTED as a Good or Outstanding provision.

The home would also need a Statement of Purpose in place that will outline how they are going to provide care for any children placed. This would include Safeguarding, Child Protection, Qualified Staff, Daily Routine, Education, Healthy Living and Activities. Also how they are able to provide an individualised care plan for each child to support them to achieve to the best of their abilities. Also their emergency procedures in the event of a fire or other problems that could make the home uninhabitable.

All of the above information would need to be evidenced and provided to Essex County Council before they would be considered for the possible placement of a looked after child.

• Community Safety Manager:

Thank you for contacting me about this application. I have to raise my serious concerns about permitting a change of use for the property in Carpenters Path to be used as a children's home.

I have a long history with a private children's home in the Borough which is a constant concern for the residents. Over the years there have been some serious community safety issues that have had impact not only on the local community but also the young people residing at the home. Consideration was given to pursuing a Closure Notice against Greenacres Care Services who run the home. The Council, Police, Essex County Fire & Rescue, Ofsted and the MP Eric Pickles were all involved with the case. I have attached a report I produced on Greenacres Care Services which may be of assistance to you in determining the application.

In my professional opinion the consideration I would give to the application is primarily the location of the property. Taking a balanced view for both residents and the young people who would be placed at the potential home there are risks on both sides. The disruption caused by Greenacres was extreme on the local community and whilst I am not suggesting this would be the case in this instance it needs to be considered as a potential risk. As you mentioned a huge number of objections have been received which will have heightened the tension of local residents and will subsequently pose an increased risk to the young people placed at the property should the application be approved. The young people will no doubt come from extremely disruptive and potentially abusive backgrounds. The last thing they need is to be ostracized by the local community and potential be vulnerable to threats and abuse from the local community.

• Neighbourhood Policing Sergeant:

I won't repeat the Community Safety Manager's observations, but I will echo them.

The previous home we had, was a massive drain on resources, and had a significant impact on the community as well as the children themselves.

I would like to know a little bit more if this is likely to be considered if possible, how many children it will house? What would be the circumstances of those children being there? (short term foster care etc.) Will there be a protocol in place to deal with the inevitable missing person reports?

6. <u>Summary of Issues</u>

This application has been assessed against criteria laid out in the Town and Country Planning (Use Classes) order 2005 (as amended); case law; policies laid out in the National Planning Policy Framework (NPPF) (2012), National Planning Policy Guidance (2014) and the Brentwood Replacement Local Plan (2005).

The key considerations in the determination of this application are The principle of a C2 (residential institution) use in this location Impact on public safety and community cohesion Impact on neighbouring residential amenity Impact on car parking.

Introduction

This proposal does not involve adult carers permanently residing at a property; they would instead work there on a shift rotation basis. The High Court has ruled (in a case brought by North Devon District Council in 2003) that this arrangement does not constitute a single household. Children need the help of an adult to run a home and cannot run it on their own and therefore cannot be said to form a single household. This means that this use cannot fall within the C3 (dwellinghouses) use class. The use must instead fall within the C2 (Residential institutions) use class.

The uses contained within this class are those which provide residential accommodation and care to people in need of care (other than a use within Class C3- dwellinghouses); this includes the use as hospital or nursing home; and the use as a residential school, college or residential school, college or training centre.

Site and surroundings

The application site comprises a semi detached house with front and rear garden. It is attached to number 12 Carpenters Path by a shared party wall. It has previously been significantly extended and as a result provides 5 bedrooms. It has no on-site parking. It has a large garden which shares its side boundaries with number 8 and 12 Carpenters Path. CCTV cameras were installed on the property but have now been removed. The change of use will not result in any other external changes to the property.

The site is situated on the north eastern side of Carpenters Path. To its south west is a large amenity green and to 40m to its south east is a primary school; however the area is predominately characterised by residential uses.

The site falls within an area designated for residential use. The applicants wish to house 3 children aged between 11-18 with two staff present increasing to 4 children when Ofsted are satisfied with the running of the home.

Principle

Whilst the National Planning Policy Framework recognises that the planning system can play a role in facilitating healthy, inclusive communities, it does not have any direct policies which relates to this institutional residential use.

Looking at a more local level, there are also no specific policies which directly relate to the use of residential children's care homes. Policy H12 (residential homes) of the Local Plan only relates to nursing homes or communal housing for people with disabilities or special needs.

Policy LT10 (Changes of use or new buildings for institutional purposes) permits the change of use to institutional purposes only where the proposal is in close proximity to appropriate social facilities and the site is easily accessible by public transport, walking and cycling.

The site is close to shops, schools and medical facilities and a bus stop is walking distance away. Furthermore the Highways Authority has also not raised any specific objections in relation to the lack of parking on the site. The proposal is therefore considered to comply with this policy.

Public safety and community cohesion

Paragraph 69 of the NPPF requires that in order to achieve sustainable development, planning decisions, should aim to achieve places which provide safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

The objections raised demonstrate that there is in the very least a fear of anti-social behaviour within this local community.

The Community Safety Manager for the Borough has also raised an objection to the proposal on the basis of experience of ongoing unresolved social problems caused by a separate site in the Borough. Although this relates to a different site, is also within a residential suburban road. The concerns raised by the Community Safety Manager are echoed by the Neighbourhood Policing Sergeant. It is therefore considered that there is sufficient underlying justification for the fears raised by neighbours on public safety to indicate that this issue is a material consideration in the determination of this application.

The applicant also acknowledges that children absconding from the care home are an issue which plagues all children's care homes, but considers that safeguarding measures will minimise the likelihood of this issue. The safeguards however do not address the underlying reasons for the children absconding, nor do they address neighbouring public amenity issues which are created as a result of this behaviour.

Public concern about safety has been found by the courts to be material consideration in determination of planning applications. In Newport BC v Secretary of State for Wales (1998) the Court of Appeal held that public safety is clearly capable of being a valid material consideration in determining planning applications. Especially if it can be objectively justified that the level of risk is over and above that which one would expect prior to the new use commencing.

The proposed use will change the demographic of people living at the property to a concentration of teenagers not from one family. This is likely to result in a significant increase in the number of friends and relatives visiting the property, more so than if the profile of the inhabitants where one family or even private lodgings. The use will also result in a higher level of activity in and around the property; as well as comings and goings of staff. The use will therefore generate more activity then that usually associated with a dwelling house use. In addition, it is considered that the nature or behaviour of the occupants is more likely to lead to additional noise and disturbance which will change the character of the area over and above that which you would expect from a residential home.

Even the most well managed children's home will encounter noise and disturbance issues due to it's location within a semi detached house which is very close to neighbouring properties and is situated within a suburban residential street. These issues will as a result undermine the quality of life of both the cared for children and the wider surrounding community and their cohesion with each other. The proposal would therefore undermine the character of the area and as such is not deemed to be sustainable development in this location as it conflicts with the requirements of Chapter 7 and paragraph 69 of the NPPF.

Impact on neighbouring amenity

The applicants consider that the impact of the use will be no different from that which would be expected, if the property had remained as a 5 bedroom house. However, officers are not satisfied that this is the case. By its very nature the use falls outside of a regular residential dwelling and planning legislation dictates that it has its own use class. A contrary view was also taken by the Planning Inspector (case reference APP/U5930/C/11/2151319) in an appeal to allow the continuation of the use of a house as a children's home. The Inspector dismissed the appeal on the grounds that the proposed use as a children's care home for children with emotional and behavioural difficulties would be different from a typical residential home.

The Inspector concluded that residents of a children's home are all from different families; the likely number of visitors to the property would therefore be more then that likely to be generated by a single family dwelling. Cared for children are also more likely to be prone to sudden and unpredictable outbursts such as shouting, screaming, banging doors and running up and down stairs and the playing of loud music.

The submitted details indicate that all bedrooms are proposed to have televisions in them. Given the concentration of teenagers and the fact that the application property is attached to number 12, it is likely to result in disturbance to this property. This could be addressed by sound proofing in internal areas, however noise generated from the front and rear gardens could not be controlled by condition. The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF policy CP 1 sub criterion ii.

Parking

Anecdotal evidence suggests that the area is already prone to congested on street parking and objections are raised by local residents that the increase in activity as described will exacerbate this problem. However, the Highway Authority raises no objections, given that the existing use of the site as a 5 bedroom house.

The issue of drivers parking on the amenity green cannot be controlled by planning conditions.

Other matters

The fact that the care home would be run by a private company is not a material planning consideration in the determination of this application as its primary use would still be that of a care home.

Adequate staffing levels would be a matter for OFSTED to control.

Loss of property value is not a material planning consideration.

In conclusion, the semi detached house to which this application relates is in very close proximity to neighbouring properties and is situated within a suburban residential area. Taking into account the matters raised above, it is considered that the use of the dwelling as a residential children's home would result in a material increase of activity in and around the dwelling and likely create unneighbourly behaviour including comings and goings late into the night. This will materially detract from the character of the area and be unacceptably harmful to the living conditions of neighbouring residents. It is considered that no conditions could be attached to any planning permission that would mitigate this harm, and as such the development is in conflict with Chapter 7 and paragraph 69 of the National Planning Policy Framework, and Local Plan Policy CP 1 (ii) of the Brentwood Replacement Plan 2005.

7. <u>Recommendation</u>

The Application be REFUSED for the following reasons:-

R1 U09735

The proposed use will result in a significant increase in the levels of activity in and around the dwelling and create the likelihood of unneighbourly behaviour including comings and goings late into the evening. The use will therefore materially detract from the character of the area and the living conditions of neighbouring dwellings and as such is contrary to the requirements of chapter 7 and paragraph 69 of the NPPF and policy CP 1 sub criterion (ii) of the Brentwood Replacement Plan 2005.

Informative(s)

1 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.


2 INF20

The drawing numbers listed above are relevant to this decision

3 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T5, LT10 the National Planning Policy Framework 2012 and NPPG 2014.

BACKGROUND DOCUMENTS DECIDED:



Title: 10 CARPENTERS PATH, HUTTON, CM13 1LJ 15/00125/FUL

Scale 1:1250 at A4

Date 23rd June 2015

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



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05. 1 YORK CLOSE SHENFIELD ESSEX CM15 8JZ

VARIATION OF CONDITION 2 (HOURS OF OPERATION) OF PLANNING APPLICATION 10/00720/FUL (CHANGE OF USE FROM CLASS B2 (GENERAL INDUSTRIAL) TO SUI GENERIS (CAR VALETING) TO CHANGE HOURS OF OPERATION TO 08:00 - 18:00 MONDAY TO FRIDAY, 08:00 -18:00 ON SATURDAYS AND 10:00 - 15:00 ON SUNDAYS.

APPLICATION NO: 15/00046/FUL

WARD	Shenfield	8/13 WEEK DATE	07.04.2015
PARISH		POLICIES	NPPF NPPG CP1 PC4
CASE OFFICER	Ms Sukhi Dhadwar	01277 312604	

Drawing no(s)PLANS APPROVED UNDER 10/00720/FU; 01; NOISErelevant to thisIMPACT ASSESSMENT; PREVIOUS APPEAL DECISION;decision:Control of the second second

This application was referred by Cllr Cohen from Weekly Report No 1688 for consideration by the Committee. The reason(s) are as follows:

I refer this application on the grounds that the residents of York Close, do not want their weekends disturbed by increased traffic movement, parked cars in York Close, noisy generators and general disturbance to their road 7 days a week. More days creates more disturbance, general damage to the road and pavements, this is a quiet residential close and residents should not have to put up with this 7 days a week all day long.

Update since publication of Weekly List 1688

3 additional objections have been submitted in addition to those already included within weekly list number 1688. The concerns raised include -Has the Health & Safety Executive been asked to do a risk assessment both in terms of the proposal's impact on the Listed Building and in relation to highway safety.

-Trees and fences have been taken down by the site owner. -Has an archaeological survey taken place

1. Proposals

Permission is sought for the variation of condition 2 (hours of operation) of planning application 10/00720/FUL (Change of use from class B2 (General Industrial) to Sui generis (car valeting) to change the hours of operation to 08:00 Monday to Friday 08:00 - 18:00 on Saturdays and 10:00 - 15:00 on Sundays.

The existing lawful hours of operation are 0800-1800 Monday to Friday and 0800-1300 Saturdays with no opening on Sundays or 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. Of particular relevance to this application are the following policies:

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 1: (Building a strong competitive economy) requires that planning decisions should support sustainable economic growth.

Chapter 7: (Requiring Good Design) makes clear that good design is a key aspect of sustainable development.

Chapter 11: (Conserving and enhancing the natural environment) requires that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk from being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

The National Planning Practice Guidance (NPPG) provides additional guidance which 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.

Brentwood Replacement Local Plan

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.

PC4: (Noise) Noise generating development will not be permitted if it would have a significant unacceptable detrimental impact on noise levels experienced by the occupiers of existing residential or other noise sensitive development. In assessing the acceptability or otherwise of any proposals, regard will be had to the standards set out in the National Planning Policy Framework and the National Planning Policy Guidance on Noise which replaces PPG 24.

3. <u>Relevant History</u>

- 10/00720/FUL: Change Of Use From Class B2 (General Industrial) To Sui Generis (Car Valeting) -Application Refused
- 11/01081/FUL: Variation of condition to allow extended opening hours on Saturdays to 8:00 to 18:00 -Application Refused
- 14/00728/FUL: Variation of condition 2 to change Opening Hours from 0800 -1800 Mondays to Fridays, 0800 - 1300 Saturdays and no working on Sundays or Bank Holidays to 0800 - 1800 Mondays - Saturdays, 0930 - 1600 hours Sundays and Bank Holidays -Application Withdrawn

4. Neighbour Responses

Letters were sent to occupants of adjoining and nearby properties. A site notice was also displayed. At the time of the writing of this report 11 responses had been received. The issues raised are as follows: -

There is inadequate parking on York Close and that a car wash is not appropriate in such a residential area.

-Cars park on the public highway alongside the garage and bend. There is an increase in the likelihood of accidents occurring especially as children cross this road.

-Inconvenience from traffic manoeuvring in and out of the garage when entering or leaving York Close.

-This is a residential area and is not suitable for the amount of traffic that is generated by the use.

-Can hear washers working and noise from the site.

-Health and safety issues as a result of the current renovation works at Glanthams House.

-Need one day of respite from noise and disturbance of the use.

-York Close a quiet cul-de-sac.

-Existing nursery users also regularly park in the close in dangerous positions -Car wash has no long term future.

-existing car sales business has been overstocking as cars are regularly parked in York Close often still displaying their for sale signs and out of date tax discs.

-Road and pavement in disrepair due to increased traffic. There is also an increase in litter.

3 York Close were not consulted by Environmental Health and feel that there is a significant noise problem.

-there is always noise from this valet company, loud music, revving engines, loud voices, its like being in the back garden with them. Neighbours should not have to suffer in order for them to make profit.

5. Consultation Responses

• Highway Authority:

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

• Environmental Health & Enforcement Manager:

This service has considered the application for extending the hours for the car wash and valeting business taking into account the close proximity of the residential premises surrounding the site and the potential for noise disturbance.

Speaking to the closest adjacent neighbours, it is clear that noise from the business is not an issue for them, however, any noisy use of the rear car park area is likely to cause disturbance.

The Noise Impact Assessment indicates that acceptable noise levels can be achieved and therefore, subject to the applicant following the recommendations shown in their Impact Assessment in section 7.0, this service has no objections to the extended hours.

In addition, the use of all machinery and noise producing equipment like pressure washers/vacuum cleaners etc. should be restricted to only be used in the enclosed area outlined by the applicant and not in the parking area. Only preparing, polishing or other quiet activities not requiring machinery may be carried out outside this enclosed workshop area and amplified sound (music/radios) shall not be permitted on this site to protect the amenities of neighbouring properties.

In addition, I draw the applicant's attention to the Environment Agency Pollution Prevention Guidelines on Vehicle washing which can be found at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2901 44/pmho0307bmdx-e-e.pdf

• Essex & Suffolk Water:

We have no objection to the proposed Change of Use from a Class B2 (General Industrial) to a Sui Generis (Car Valeting), and the change of operating hours at the above site.

We give consent to this Change of Use on the condition that the water supply is metered for revenue purposes.

The following will apply as the premises are commercial:

Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are Notifiable under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999. Please see the copy of the Water Regulations Information Sheet No. IS - 0014 attached for more detailed information.

• Anglian Water Services Ltd:

No reply received at time of writing report.

• Environment Agency:

No reply received at time of writing report.

• Historic Buildings And Conservation Officer:

I raise concerns regarding this application on the basis that works upon the adjacent listed building (list entry number 1197222) has commenced and the access for the site will share egress with this commercial offer. At present the Listed building is being stripped back to its Timber Frame, therefore access needs to be minimized so as not to compromise the Heritage Asset or the works programmed in as part of the planning permissions (FUL and LBC).

Can more you supply more information on this, as presently the wheel washing facilities and materials storage which relates to the works at the Listed Building conflict with the car valeting service access under these proposals. In addition the existing commercial offer should be perhaps notified of the works being undertaken. The site owner should be able to supply a detailed construction programme to facilitate this.

6. Summary of Issues

This application has been assessed against policies laid out in the National Planning Policy Framework (NPPF) (2012), National Planning Policy Guidance (2014) and the Brentwood Replacement Local Plan (2005).

The issues relevant to the determination of this application are:

The impact of the proposal on neighbouring residential amenity.

Planning History

Shiny Hands Car Wash operates at the site of a former petrol service station located in a residential area. The car wash building is located at the rear of the site, with access from York Close. It had previously operated without planning permission for a number of years. This resulted in enforcement complaints being received. The applicants then applied for permission under reference 10/00720/FUL to change the use of the application site to a car wash (Sui Generis). This application was allowed on appeal (ref: APP/H1515/A/11/2151306) As part of that permission the Inspector imposed conditions restricting the hours of operation to 0800-1800 Monday to Friday and 0800-1300 Saturdays with no opening on Sundays or Bank Holidays.

Subsequently under reference 11/01081/FUL an application was submitted which sought to extend the Saturday hours until 1800; the remaining hours of operation would remain unchanged. This application was refused on the grounds that the extension of hours would result in noise and disturbance that would unacceptably detract from the living conditions of the occupiers of adjoining residential properties.

This decision was made on the basis of paragraph 20 of the Inspector's decision notice for the above appeal which stated "that provided the hours of operation are similar to those of the other users of the site, and the use of equipment and machinery is confined to within the building, the harm to residential amenity will be reduced to an acceptable level. I agree with the Council that there is a case for limiting disturbance on Saturday afternoons as well as Sundays. I intend to restrict Saturday working to between 0800 and 1300. By granting a limited hours permission local residents should be free from noise and disturbance outside normal business working hours, which will be a considerable improvement upon the previously unregulated operation. Allowing the continuation of the car wash with limited operating hours would be consistent with the aims of Policy CP1."

It should be noted that at the time of the 2011 application the Council's Environmental Health Officer (EHO) did not object to the extension of the hours until 1800 on Saturdays, but neither did the applicant lodge an appeal against the Council's decision.

Since that decision, the Government has introduced the NPPF and The National Planning Policy Guidance which indicates that local planning authorities should consider noise issues within new development but not in isolation or separately from the economic, social and other environmental dimensions of the proposed development.

When determining planning applications and the impact of noise, the Council must take account of the acoustic environment and in doing so consider:

- o "whether or not a significant adverse effect is occurring or likely to occur;
- o whether or not an adverse effect is occurring or likely to occur; and
- o whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy".

A noise impact assessment carried out by an independent acoustic professional on a Sunday and has been submitted as part of this application.

The details submitted as part of this assessment have been found to be satisfactory by the Environmental Health Officer (as they accord with the requirements of BS: 4142 Methods for rating and assessing industrial and commercial sound), subject to conditions relating to the restriction of no amplified music, no pumping unit of the jet sprayer and vacuums remain inside the building. A suggestion that employees of the site are given management advice in order to improve their noise awareness.

It is therefore considered that sufficient evidence has been submitted to establish that the use of the car wash during the hours proposed would not result in any unacceptable noise or disturbance to the occupiers of neighbouring properties in line with Paragraph 123 of the Framework.

The expanded use would also support the economic and employment functions of the area which meets the aims and objectives of the National Planning Policy Framework is supporting sustainable development.

Impact to adjoining listed building

The Historic Buildings Officer has raised concerns on the basis that the use of the site for the car wash shares access with the project to renovate the nearby Listed Building (Glanthams House) and could compromise the Heritage Asset/works programme, and that to allow extended opening hours for the car wash would increase that risk.

The car valeting use is already in operation therefore vehicles already have access through this route. Furthermore the listed building is in the same ownership as the application site and therefore it would be the owner's private legal responsibility to ensure that the listed building is not damaged as a result of the extended hours. It is therefore considered that this issue would not be material to the determination of this application.

Highway Safety

The Highways Authority have raised no objections to the proposal, it is therefore considered that the proposal will not lead to any additional significant highway or parking concerns. The proposal therefore complies with the requirements of CP 1 (iv) of the Local Plan.

Other matters

Issues related to the car sales and nursery businesses are not material to the determination of this application.

Health and Safety issues would be regulated by the Health and Safety Executive.

Concern have been raised in relation to the cutting down of trees at the entrance of the site. The Tree Officer has visited the site and found that these trees were protected and did not have sufficient amenity value to justify their protection.

National validation requirements would not permit the Council to require that an archaeological survey, landscape plan or contamination survey be submitted. This is because the application will not result in additional operational works, only the extension of hours for an established use.

In conclusion the proposal subject to conditions would not give rise to significant adverse noise impacts and will encourage economic growth through the creation of employment. The proposal therefore meets the criteria required to be deemed sustainable development in accordance with the NPPF and Brentwood Replacement Local Plan 2005.

7. <u>Recommendation</u>

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 U10145

This permission shall not be implemented unless and until the noise mitigation scheme set out in section 7 of the Noise Impact Assessment submitted with the application by Nova Acoustics Ltd has been fully undertaken and these noise mitigation measures shall be maintained for duration of the use.

Reason: In the interests of residential amenity in accordance with paragraph 123 of the NPPF along with PC4 and CP 1 of the Brentwood Replacement Local Plan 2005.

4 U09983

The use shall not operate and no machinery or equipment associated with it shall be used on the premises before 0800 and after 1800 on Mondays to Saturdays or before 10:00 and after 1500 on Sundays, nor at any time on Bank or Public Holidays.

Reason: In the interests of residential amenity in accordance with paragraph 123 of the NPPF along with PC4 and CP 1 of the Brentwood Replacement Local Plan 2005.

5 U10146

The use of all machinery and noise producing equipment like pressure washers/vacuum cleaners etc. shall be restricted to only be used in the enclosed area outlined by the applicant and not in the parking area.

Reason: In the interests of residential amenity in accordance with paragraph 123 of the NPPF along with PC4 and CP 1 of the Brentwood Replacement Local Plan 2005.

Informative(s)

1 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.

2 INF05

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

3 U02388

In order to obtain information about the Environment Agency Pollution Prevention Guidelines on Vehicle washing, please go to

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2901 44/pmho0307bmdx-e-e.pdf

BACKGROUND DOCUMENTS

DECIDED:



Title: 1 YORK CLOSE, SHENFIELD, CM15 8JZ 15/00046/FUL

Scale 1:1250 at A4

Date 23rd June 2015

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



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06. 6 OXFORD COURT WARLEY ESSEX CM14 5EU

TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT EXTENSION, SINGLE STOREY REAR EXTENSION LINKING WITH DETACHED OUTBUILDING TO INCLUDE ROOF LIGHTS.

APPLICATION NO: 15/00109/FUL

WARD	Warley	8/13 WEEK DATE	18.03.2015
PARISH		POLICIES	PC4 NPPF NPPG CP1
CASE OFFICER	Ms Sukhi Dhadwar	01277 31260	4
Drawing no(s) relevant to this decision:	01; 02; 03; 04; ;	PL01; PL02;	PL03 ; PL04 B; PL05

This application was referred by Cllr Hubbard from Weekly Report No 1686 for consideration by the Committee. The reason(s) are as follows:

I would like to refer this planning application from the Weekly List for the following reasons: This application is another in a long history of similar applications which would result in the property being overly dominant in Oxford Court itself and also an over-bearing feature for the residents of Willowdene Court, which backs onto it.

Update since publication of Weekly List 1686

None

1. Proposals

Permission is sought for a two storey side extension, single storey front extension and a single storey rear extension linking a detached outbuilding.

The two storey side extension measures 4.5m wide by 3.85m deep and 5.8m high to the ridge of its gable roof.

The single storey front extension measures 1.9m deep by 8.45m wide and 3.6m high to the ridge of its monoslope roof.

The single storey rear extension is in two parts the first extends from the existing living room and provides a music room. It measures 4.05m deep by 7.6m wide and 3.9m high to the ridge of its gable roof.

The second section connects this room to the existing outbuilding and provides a store and lobby area. It measures 2m wide by 3.2m and 3.7m to the ridge of its gable roof.

Materials to match those on the application building.

2. Policy Context

The National Planning Policy Framework (NPPF) (2012) Of particular relevance to this application are the following policies:

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 7: (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.

Chapter 11: (Conserving and enhancing the natural environment) requires that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at inacceptable risk from being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

The National Planning Practice Guidance (NPPG) provides additional guidance which 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.

Brentwood Replacement Local Plan

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.

PC4: (Noise) Noise generating development will not be permitted if it would have a significant unacceptable detrimental impact on noise levels experienced by the occupiers of existing residential or other noise sensitive development. In assessing the acceptability or otherwise of any proposals, regard will be had to the standards set out in the National Planning Policy Framework and the National Planning Policy Guidance on Noise which replaces PPG 24.

3. <u>Relevant History</u>

- 00/00870/FUL: Single Storey Front Extension. -Application Permitted
- 03/00349/FUL: Two Storey Extension To Front And Side, Single Storey Extensions To Front, Side And Rear. -Application Refused
- 13/00723/FUL: Two storey side extension. Single storey infill extension to connect outbuilding to main house. First floor extension over garage and two storey rear extension -Application Withdrawn
- 13/01287/FUL: Two storey side and two storey rear extensions, single storey front extension to connect outbuilding to main house. -Application Withdrawn

4. Neighbour Responses

Letters were sent to occupants of adjoining and nearby properties. At the time of the writing of this report 6 responses had been received. Issues raised include:-

Scale and massing of extensions is out of proportion with the existing house, and would be out of character with the plot and surrounding development The two storey element would be over bearing and very dominant Overlooking into neighbouring properties and gardens leading to loss of privacy Loss of outlook - onto a brick built single storey element Loss of light to windows at 4 Oxford Court Noise from music room could cause a disturbance

5. Consultation Responses

• :None

6. Summary of Issues

Background

This application follows a revision to a previous scheme (reference 13/01287/FUL) submitted to the Council but withdrawn by the applicant prior to formal determination. The previous scheme included a two storey extension near to the common boundary with the rear gardens of 21 and 23 Willowdene Court . The main revision has been to reduce that element to a single storey link building.

The issues relevant to the determination of this application are:

The effect of the proposal on the character and appearance of the application house and surrounding area.

The effect of the proposal will have on the living conditions of neighbouring residential properties.

Character and appearance

The application site comprises a modern detached house on the western side of Oxford Court. This road is a cul-de-sac which is defined by detached properties within verdant and spacious plots, but with significant changes in ground levels across the land.

The extensions are of a design, and propose materials, in keeping with the main house and surrounding development. The single storey element on the west elevation would have a pitched roof with the gable end facing the boundary. It would link an outbuilding with the main house to form a 'u' shaped footprint. The two storey element would be at a lower level than the main roof of the house and have a gable end. These extensions would be to the rear and side and would not be prominent in the street scene.

The single storey element along the front elevation would have a mono pitch roof, relocating the new front door and inserting windows. Although the combination of extensions would result in a significant increase in the footprint they are for the most part at single storey and it is considered that the resulting building would still sit comfortably within its plot.

This would meet the criteria of Local Planning Policy CP1 in that there would be no harm to the character and appearance of the area and the extensions would be in keeping with the main house.

Effect on the living conditions of neighbouring properties.

The single storey extension linking the outbuilding to the house would be sited between 1.6m and 2m away from the common boundary with the properties of 21 and 23 Willowdene Court. The rear windows in these properties are measured on plan at a distance of over 11m away from this boundary. Although these properties are at a lower level than the application site, the extension would be only marginally higher than the existing outbuilding and only at the apex of the roof. No new windows are proposed along the facing flank elevation. Soft landscaping along this boundary would mitigate the outlook from the neighbours property towards this boundary. It is considered that this element would not result in an overbearing effect resulting in significant or demonstrable harm to the living conditions of these neighbours. There would be no material loss of light to these neighbours gardens. An objection has been raised on the use of the extension as a music room. Appropriate construction and insulation would mitigate any noise levels over and above that which could be expected from a dwelling house.

The two storey element would be around 20m from the rear of the properties at Willowdene Court and at a much lower level than the main house. An existing window on the side flank of the original house is closer than what is proposed here. Nevertheless the proposed new element would be too far away to result in any material harm to the amenities of those neighbours in Willowdene Court by reason of overbearing effect, loss of outlook or loss of privacy.

The other closest occupiers are at No. 4 Oxford Court. The extension would not project beyond the length of the neighbours garage and would be at a sufficient distance away from this property so as not to result in a loss of privacy, outlook or overbearing effect.

Subject to conditions requiring boundary treatment on the west elevation, and construction method details, the proposal meets the criteria set out in the National Planning Policy Framework and Local Plan Policy CP1 (ii)

Parking

There is adequate space for on site car parking to meet the Brentwood Council adopted parking standards.

In conclusion the proposal meets the criteria required to be deemed sustainable development and therefore accords with the NPPF and Brentwood Replacement Local Plan 2005.

7. <u>Recommendation</u>

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 MAT03 Materials to match

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

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

4 U09864

A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the music room commencing on site. The sound insulation and noise control measures shall meet standards contained within BS 8233:2014.

The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: In the interests of neighbouring amenity in accordance with the NPPF and policies PC 4 and CP 1 sub criteria (ii) and (vii) of the Brentwood Replacement Local Plan.

5 U10130

The development shall not be commenced until details of the treatment of the boundary along the west elevation have been submitted to and approved in writing by the local planning authority. The boundary treatment should include mature hedging to a height of not less than 2 m and for not less than a length of 14 metres as indicated on drawing no. PL01. The approved boundary 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 the interests of safeguarding the character and appearance of the area and the living conditions of adjacent occupiers.

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, PC4 the National Planning Policy Framework 2012 and NPPG 2014.


3 INF21

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

BACKGROUND DOCUMENTS

DECIDED:

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Title: 6 OXFORD COURT, WARLEY, CM14 5EU 15/00109/FUL

1:1250 at A4

Date 23rd June 2015

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



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07. LAND AT HAVERING GROVE FARM 552A RAYLEIGH ROAD HUTTON ESSEX CM13 1SG

INSTALLATION AND OPERATION OF A SOLAR FARM AND ASSOCIATED INFRASTRUCTURE, INCLUDING PV PANELS, MOUNTING FRAMES, INVERTER, TRANSFORMER, POLE MOUNTED CCTV CAMERAS, SUBSTATIONS, COMPOSTING TOILET AND FENCE.

APPLICATION NO: 15/00161/FUL

WARD	Hutton East	8/13 WEEK DATE	04.05.2015
PARISH		POLICIES	NPPF NPPG CP1 T2 GB1 GB2 C5 C14 C16 IR3 IR6
CASE OFFICER	Mrs Charlotte White	01277 312536	
Drawing no(s) relevant to this decision:	TOPOGRAPHICAL SURVEY1; ARCHAEOLOGICAL DESK BASED ASSESS; DESIGN & ACCESS STATEMENT; ROAD_CROSS_SECTION; HISTORIC ENV. IMPACT ASSESSMENT; ALVE; AT_01 TRANSFORMER; CCTV_01 CCTV POLE DETAILS; CSR_01 SUBSTATION DETAILS; CB_01 COMMUNICATIONS BUILDING; TRAFFIC METHOD STATEMENT; DEER FENCE DETAILS; DNO_01 DNO BUILDING DETAILS; ECOLOGICAL APPRAISAL; XXX_01_A - GRP CABINET; HVG_01_REV E - LAYOUT; SITE PLAN HVG_01; SEQUENTIAL ANALYSIS STUDY; ARBORICULTURAL REPORT; FLOOD RISK ASSESSMENT; TD_01 TRANSFORMER ELEVATIONS; ID_01 INVERTER DETAILS; TOILET ELEVATION;		,

TYP_P_E_3L PANELS ELEVATION; STATEMENT COMMUNITY INVOLVEMENT; SB_01 STORAGE BUILDING DETAILS; TOPOGRAPHICAL SURVEY2; BIODIVERSITY MANAGEMENT PLAN; SWEPT PATH ANALYSIS; ARCHAELOGICAL GEOPHYSICAL SURVEY; CONSTRUCTION TRAFFIC MANAGEMENT; PFA ROAD CONDITION SURVEY;

1. Proposals

Planning permission is sought to install a ground mounted photovoltaic (PV) solar energy farm on the site. The application site comprises 18.3ha, with the solar farm infrastructure being placed on 11ha within the site. The solar farm infrastructure will cover 19 percent of the area, for example with gaps provided between the rows of panels. The 5MW solar farm would be capable of generating enough electricity to power 1460 typical households per year. The energy generated will be fed directly into the local power grid network. The solar farm has an operational life of around 30-35 years and after this time all equipment will be removed and the land restored to its former condition. The solar panels each measure 2m x 1m x 0.05m. The mounted solar panels have a maximum height above ground level of 2.5m. The panels will be fixed to mounting frames at an angle of 25-30 degrees to optimise daylight capture and will be fixed in place rather than tracking the sun. It is proposed to have sheep grazing between the rows of solar panels.

Inverters will be required on the site, which are required to convert the Direct Current (DC) electricity generated by the panels to Alternating Current (AC) before being fed into the grid. The inverters will be located in three cabins (painted green) on the site which will be mounted on a concrete pad and measure 2.9m high, 4.4m long and 1.5m wide

Transformers are also required on the site to transform electrical energy from one circuit into another, allowing the electricity generated to be fed into the grid. The plans submitted indicate that two transformers will be installed on the site located in two cabinet (painted green) measuring 2.8m high, 6m long and 2.5m wide.

Two switchgear substations will be required. Switchgear is needed as a safety mechanism; one is needed to shut the grid off from the solar farm (the DNO substation) and one is needed to shut the solar farm off from the grid (the client side/customer substation) should there be a fault on either the grid or the substation. For health and safety reasons a motion sensor security light is required on the exterior of the DNO. The DNO building measures 5.5m x 5m with a maximum of 4.4m. The client side substation measures 6.1m x 2.4m with a maximum height of 2.9m.

A 2m high perimeter fence is needed around the perimeter of the solar farm for safety reasons. The fence will be constructed from timber and wire. The plan of the fence submitted indicates that the fence will include small mammal gates to enable free access to small animals whilst keeping larger animals such as deer out of the site. For security reasons security cameras are also required around the perimeter of the site. The security cameras will be mounted on 2.4m high poles and are motion sensor cameras that use infrared technology so that no lighting is required. The cameras will be directed into the solar farm.

A communications building (painted green) will be installed to enable 24 hour remote monitoring of the site to identify any faults and to relay the security camera footage. The communications building measures 3m x 3.7m and has a maximum height of 2.5m. A satellite dish and Wi-Fi antenna are required to provide the necessary reception.

A storage shed to store equipment for the general maintenance of the solar farm is required which measures $3m \times 2.5m$ with a height of 2.5m. This structure will also be painted green.

Other structures proposal included, a composting toilet made from logged wood, a DNO meter and a GPR cabinet.

This application is presented straight to Committee given the nature and size of the development and the level of neighbour interest.

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.

Key NPPF Chapters

- Chapter 3 - supporting a prosperous rural economy

- Chapter 9 - Protecting Green Belt land

- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

- Chapter 11 Conserving and enhancing the historic environment
- Chapter 12 Conserving and enhancing the historic environment

Local Plan Policies

- CP1 General development criteria
- T2 New development and highway considerations
- GB1 New development
- GB2 Development criteria
- C5 Retention and provision of landscaping and natural features in development
- C14 Development affecting Conservation Areas
- C16 Development within the vicinity of a Listed Building
- IR3 Protecting the best and most versatile agricultural land
- IR6 Renewable energy schemes

3. <u>Relevant History</u>

 14/01307/EIASO: EIA Screening Opinion for Photovoltaic Solar Farm -Not EIA Development

4. <u>Neighbour Responses</u>

78 neighbour letters were sent out, three site notices were displayed and the application was advertised in the press.

The following representations have been received to date:

Support

127 letters of support have been received which are copies of the same letter which state that support is given to the application because the proposal would power over 1400 homes with clean, local energy, reducing the need for fossil fuel imports and reducing the carbon footprint of the Borough. The site has been well selected and well screened, an agricultural use of the land will continue, wildlife enhancements are proposed and that ongoing operation of the solar farm would not cause disruption. This letter has a space for additional comments. These additional comments include;

- We are behind other countries with renewable energy.
- Great for the environment and a good source of energy.
- Reduces dependence on oil and reduces carbon emissions and carbon footprint of the area.
- Good for children's future and for the community
- Solar farms are needed for the Country's energy future.
- Good idea.
- Don't see why it shouldn't go ahead.
- Can't wait to see it.
- Need more solar farms in Brentwood.

- All measures being implemented to minimise disruption.

It is worth noting that these letters come from people from a range of areas including Brentwood, Hutton, Warley, Pilgrims Hatch, Billericay, Basildon, Wickford, Laindon, Langdon Hills, Canvey Island, Benfleet, Ongar, Stanford-le-hope, Chelmsford, Dagenham, Waltham Abbey, South Ockendon, Orsett, Halstead, Romford, Upminster, Hornchurch, Colchester, Shoeburyness and Gravesend

In addition to these standard letters that have been submitted, a further 2 letters of support have been received which comment:

- Fantastic idea.
- Will be good for everyone.
- Need this for the future of the country.

- As a Brentwood resident and local businessman support scheme for alternative energy.

- World's oil reserves are running out and alternative sources have to be found.

7 feedback forms have been submitted to the Council indicating support for the solar farm.

A letter has been received from Bairstow Eves Estate Agents which comments that in her opinion as an Estate Agent familiar with the local area that she does not see how this development would have an adverse impact on property prices in the area as there will be no additional traffic to and from the site once the panels are installed and as the panels would not be seen by neighbouring properties or cause overlooking of private gardens and no noise and will not therefore hinder any local properties.

Objection

26 neighbour letters of objection have been received which raise the following concerns:

- Construction will be disruptive and noisy. Increase traffic pollution

- Will cause congestion. Rayleigh Road is already busy.

- Heavy traffic and HGV's passing through small private road - concerned about risk to children, elderly and pets.

- Small lane has barely enough room for two cars to pass and there are blind spots at each end and no pavements. When traffic was diverted down this lane there was an accident. Concerned about impact on road surface.

- Harm to wildlife/habitats and impacts of fences.
- Reduce house prices and desirability to live in the area. Estate Agents have confirmed house prices will be reduced.

- Health risks of large solar farms are unproven. US studies suggest illnesses associated with proximity to large solar farms; cancer clusters, headaches, fatigue, epilepsy. Although unproven don't want to take this risk.

- More suited to an industrial estate away from residents and wildlife.

- Cottage is 300 years old and shakes when heavy vehicles pass.
- Inappropriate development in the Green Belt and would harm openness.

- Who will pay for the removal when the panels degrade? What if developer cannot afford to have them removed? If goes ahead this money should be provided now for the subsequent deconstruction.

- Against Government Policy and should not be built in residential areas.
- No benefit for people of Hutton/Brentwood
- More loss of land to developers.

- Once used for solar farm could be brownfield land and used for housing development; erode Green Belt and urbanise the buffer between Shenfield and Billericay.

- There are plans for a solar farm to the north of the railway line.
- Inverters and auxiliary equipment may be hazardous to health.
- Will not bring employment to the area.
- Loss of visual amenity and not in-keeping with surrounding land. Eyesore.
- Countryside should be protected for its intrinsic character and beauty.
- No hedge will be tall enough to screen the development.
- Views from bridleways and footpaths will be blighted
- Government views of solar farms are unproven May 2014 Department of

Energy & Climate Change proposed to reduce subsidies for large scale solar farms.

- Noise and disturbance
- Moved to area due to rural feel and Green Belt land nearby.
- The solar farm will be visible from Ellices Farmhouse and neighbouring houses.
- Horses will be in a field next to the panels.
- Access concerns and concerns about impact on right of way.
- It is an industrial power station and has no place in a residential area on Green Belt.
- No very special circumstances
- Solar panels are not very efficient
- No evidence developer has sought out previously developed/non-agricultural land across the UK.
- Proposal is not part of the local plan
- No fire emergency procedure
- Developer should pay at beginning to fix roads, driveways, etc damaged by the construction.
- Will need daily visits for livestock.
- Could undermine the railway.

- Need a detailed, independent historic survey, archaeological survey, tree, and pond surveys and independent biodiversity survey

- Would ruin the heritage of community

- How can the energy produced be used by locals when going into the national grid

- Money to Havering Grove residents association feels like a bribe
- Concerns about impact on water courses
- The land harvested crops last year
- Increase road flooding by resulting in mud on the road.

- Precedent
- Will not be temporary will be replaced.
- Loss of valuable farmland
- If allowed safeguards/conditions needed
- Concern it wont power the number of houses suggested.

- Not been proved necessary to lose the best agricultural land and 3b land has not been sought

- There are views into the site from public rights of way
- Will be visible to people on trains

- The solar panels could be installed in the roofs of the commercial units in Basildon Industrial Estate.

A petition of 230 people has also been submitted against the proposal. The covering letter to this petition states that the objections include:

- Object to Green Belt land around their homes being used for an industrial site.

- Energy company should find an alternative brownfield site away from residential areas.

- Construction will cause disturbance and highway safety issues.

- Concerned about highway safety as lane approaching site is narrow with no pavements and their are families, children and pets in the area. There are nursery schools and a dance school close by.

- Reduce house prices confirmed by local estate agents.
- Health Risks; are unproven but residents do not want to risk health concerns.
- Who would be liable to accidents caused by solar farm traffic

- Infrastructure of lane proven incapable of supporting heavy vehicles when Saxons 4 x 4 garage were parking vehicles in Havering Grove Farm - drainage system collapsed and road surface deteriorated and had to be resurfaced. Will the Council monitor and invest in the rebuilding of the lane infrastructure?

- Will the Council compensate residents who wish to move away and suffer devaluation.

- Will the Council be liable for health issues.

A letter of objection has bee received from Cllr Hossack which makes the following comments:

- Disquiet in the community about this proposal

- The farm has hosted non-agricultural commercial activity previously causing disruption; this proposal gives rise to similar concerns.

- A lot of paraphernalia associated with the development, such as mast and toilet blocks.

- Witnessed solar farm construction at the M4 Berkshire and surprised how tall the panels are.

- Planners need to consider carefully the impact of this commercial activity in a Green Belt and agricultural setting, especially to maintain the village feel of Haverings Grove.

A letter of objection has been received from Cllr Sanders which makes the following comments:

- It changes the use of the field - it will become brownfield thus allowing potential development of houses.

- Integrity of the Green Belt at this location needs to be preserved.

5. Consultation Responses

• Essex Badger Protection Group:

Regarding planning application 15/00161/FUL. After reading the ecological report and checking my records where I have found no records of badger setts on the site, I have no objections

• Highway Authority:

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

1. Prior to commencement of the Solar Farm the Developer shall prepare a condition survey of the public highway site route. Details to be agreed with the Highway Authority.

Reason: To protect the safety and efficiency of the highway 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.

2. Prior to commencement of the proposed Solar Farm details of a wheel and under chassis washing and facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of the any works and maintained during the period of construction and decommissioning.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety to ensure accordance with Policy DM1.

Note:

The Developer shall operate the details contained within the submitted Construction, Decommissioning and Traffic Management Method Statement during the construction works and decommissioning works. Any details affecting the highway shall include where appropriate, signage and use of a banksman at the site access during the delivery schedule.

Upon completion of the proposed development any reinstatement or repair works to the existing site route carriageway/kerbing etc. shall be carried out at the developer's expense.

The developer should provide suitable measures to ensure mud/loose materials are not deposited on the highway.

Informative

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO3, Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood CM13 3HD or emailed to development.management@essexhighways.org

• Environmental Health & Enforcement Manager:

With regard to the above Planning application I confirm the following.

Construction Noise

Construction work should not begin until a scheme for protecting the proposed noise sensitive development from noise from the existing industrial/commercial activities has been submitted to and approved by the local planning authority; all works which form part of the scheme should be completed before any part of the noise sensitive development is occupied.

The World Health Organisation has provided guidance that "general outdoor noise levels of less than 55dB LAeq are desirable to prevent any significant community annoyance" and that "a level of less than 35dB(A) is recommended to preserve the restorative process of sleep".

For a reasonable standard in bedrooms at night, individual noise events (measured with a Fast time weighting) should not normally exceed 45dB LAmax. These recommendations should be regarded as the maximum noise levels to be permitted within or around the noise sensitive development.

With regard to building activities in general under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 such activities must be carried out within agreed time periods. These are as follows:

These are as follows:

Monday - Friday: - 08:00hrs to 18:00hrs Saturday: - 08:00hrs to 13:00hrs Sunday/Bank Holidays: - No noisy work at all

In addition to the above, contractors must take due care not to make any unnecessary noise during their work and in particular, time particular noisy activities such as angle grinding/pile driving/hammering etc. for periods after 09:00hrs and before 17:00hrs.

Noise requirements for the installation and operation of the Solar Farm

Environmental Health's main concern regarding this application relates to noise emissions and possible noise nuisance.

I am satisfied with the commitments given in Section 6.3 of the applicants Planning, Design and Access Statement and confirm that proposed conditions requiring a maximum noise level of 35dBA not to be exceeded at the site boundary be confirmed as a Planning condition.

Additionally, I would require that the Applicant submit an acoustic report/scheme detailing the intended acoustic work to the Transformers/Switch gear Sub Stations and Inverters. This report is to be submitted to and agreed by the Planning Authority.

The scheme shall assess the noise impact from the proposed mechanical systems and shall propose appropriate measures to ensure that the noise levels comply with the said 35dBA Planning Condition and not as a consequence, affect the amenity of the nearest noise sensitive premises.

Formulation and implementation of the acoustic scheme shall be undertaken by competent persons within the acoustics field. Such agreed measures shall be implemented with the prior consent and completed to the satisfaction of the Planning Authority.

Prior to the start of activities, the Applicant shall submit to the Planning Authority the results of an Acoustic Insulation Assessment/check confirming that the acoustic works carried out have been completed in accordance with the said scheme and complies with the aforementioned proposed 35dBA Planning condition.

• Essex & Suffolk Water:

We have no objection to the proposed solar array.

Our existing apparatus does not appear to be affected by the proposed construction of the solar farm. We therefore have no further comment to make.

• Anglian Water Services Ltd:

No response received to date.

• Environment Agency:

We do not wish to object but have the following comments to offer.

Flood Risk

Our maps show the site is located in Flood Zones 1 2 and 3, however section 3.12 of the submitted Flood Risk Assessment, produced by PFA Consulting, and dated January 2015, states that all development will be located within Flood Zone 1. This is in keeping with the sequential approach supported by the Planning Practice Guidance, Ref ID: 7-053-20140306, which states 'Layout should be designed so that the most vulnerable uses are restricted to higher ground at lower risk of flooding, with development which has a lower vulnerability (parking, open space, etc) in the highest risk areas, unless there are overriding reasons to prefer a different location.'

As we advised in our letter to your Head of Planning dated 15 December 2014, we are no longer providing planning advice for developments over 1 hectare in size. We are however working with Essex County Council, as your Lead Local Flood Authority, to ensure you continue to receive advice on the adequacy of surface water management proposals. We have notified Essex County Council of this consultation and they will be providing you a bespoke consultation response. We fully support the advice they provide. If you need to contact them please email suds@essex.gov.uk.

Arboriculturalist:

15/00161/FUL The proposed arboricultural works have been well planned and considered, there is a worthwhile point that whilst the site remains unaffected the treeworks are not really needed other than where the trees affect agriculture. The work required for safe access will need to be properly planned with adequate supervision and recording of the provisions made visits by the arboriculture section should be considered to ensure monitoring is carried out. Otherwise the retention of material on site will help redress the changes in aerial habitat which will inevitably result. Choice of contractor for both landscape and arboricultural works will be an important factor in the success of the proposal.

• County Archaeologist:

Thank you for consulting the Historic Environment Advisor on the above application.

The archaeological desk-based assessment for this site provides a reasonable assessment of the limited known archaeology on this site, with little archaeological fieldwork undertaken to date in the vicinity, due to its largely rural nature.

It is accepted that the overall impact of the proposed development based on the current state of knowledge, despite its scale, could be interpreted as relatively low. However, when compared to other areas with a similar sub soil where development has occurred there is a high density of archaeological deposits present.

The archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which can be secured by appropriate conditions attached to the planning consent

We would recommend in the first instance that a programme of geophysical survey which would be followed by targeted trenching in order to establish the nature of the archaeological deposits present, together with its significance and extent. Once that has been completed discussion with the applicants can take place to define mitigation strategies for preservation in situ or by record. The geophysics (and any follow-up fieldwork) can be undertaken post-determination, but it is strongly advised that the work is schedule early into any proposed timetable in order to avoid unexpected delays.

To ensure that this work is undertaken it is recommended following the guidance given in the NPPF for a full archaeological condition is attached to any consent for this development. The condition should read:

Recommendations: Phased archaeological programme.

1. No development or preliminary groundworks can commence until a programme of archaeological geophysical survey has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of the geophysics work and prior to any development commencing submission.

3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, or alterations in foundation design of panels and cabling, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive.

A professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief outlining the level of investigation will be issued from this office on request.

If you have any questions please do not hesitate to contact me.

Received 09/04

Thank you for consulting the Historic Environment Advisor on the above application.

Following the recommendation that a geophysical survey be carried out on the site to identify possible archaeological deposits, a survey was undertaken in March 2015. The results from this survey show limited archaeological responses across the development area. This survey supports the archaeological desk-based assessment for the site which provided a reasonable assessment of the limited known archaeology and it is accepted that the overall impact of the proposed development is probably relatively low.

The results from the geophysics confirm that no further work will be required on this site prior to the development of the solar farm and therefore the previously suggested phased condition for archaeological mitigation can be released or removed from this application.

If you have any questions please do not hesitate to contact me.

• Natural England:

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.

The Wildlife and Countryside Act 1981 (as amended) The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Priority Habitat Creation

Solar farm developments offer excellent opportunities to create new habitats, and especially "priority habitats" listed under s41 of the NERC Act 2006. The planning application should include details of new habitats. In particular, solar farms are ideally suited to creating new grassland habitats, which can be created among the rows of solar panels. Details should be provided on the appropriate s41 target grassland habitat, along with a habitat creation plan (which should include measures to create suitable soil conditions / arable reversion techniques), suggested species mix for sowing, and details of how new habitats will be managed (e.g. grazing / mowing).

Other priority habitats that could be created or enhanced depending on site conditions, are hedgerows, ponds, and arable field margins. We suggest that a habitat creation plan also references any existing local sites recognised for their nature conservation interest, such as SSSIs and Local Wildlife Sites. The Ecological Appraisal lists nearby nature conservation sites which within ~2km of the proposed development site, and these sites may provide an indication of what might be achieved at this site, should the conditions be suitable.

Further guidance is available from Natural England's Technical Information Notes:-TIN101 - Solar parks: maximising environmental benefits. TIN066 - Arable reversion to species-rich grassland: site selection and choice of methods. TIN067 - Arable reversion to species-rich grassland: establishing a sown sward. TIN068 - Arable reversion to species-rich grassland: early management of the new sward.

The following additional notes may also be helpful:- TIN060 - The use of yellow rattle to facilitate grassland diversification. TIN061 - Sward enhancement: selection of suitable sites. TIN062 - Sward enhancement: choice of methods. TIN063 - Sward enhancement: diversifying grassland by spreading species-rich green hay. TIN064 - Sward enhancement: diversifying grassland by oversowing and slot seeding. TIN065 - Sward enhancement: diversifying grassland using pot-grown wildflowers or seedling plugs.

Additional guidance is available from the BRE National Solar Centre, and the RSPB.

Natural England's TIN110 "Assessing whether created or restored grassland is a BAP Priority Habitat" should be used as part of the monitoring programme.

The creation of priority habitats in this way contributes towards the Government's nature conservation vision, set out within "Biodiversity 2020", a strategy for England's wildlife and ecosystem services. The NPPF promotes net gains in biodiversity (paragraph 109), and s40 of the NERC Act requires public bodies to have regard to biodiversity in carrying out their functions.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species, and / or the s41 habitat "open mosaic habitat on previously developed land".

Further comments made but unable to copy as maximum amount of text reached.

• Council For The Protection Of Rural Essex:

No response received to date.

• Essex Wildlife Trust:

No response received to date.

• Historic England:

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

• Essex County County Lead Local Flood Authority:

Thank you for consulting us on the above application. The installation of solar panels leads to only a small increase in impermeable area and therefore should not have a significant effect on runoff volumes. As a result we have no further comments at this point.

• Historic Buildings and Design Officer:

The development site is located to the north of the A129 Raleigh Road. The site is undeveloped land; these proposals seek to implement a solar farm with associated infrastructure to include PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras, substations, composting toilets and fence.

Access to the site is via Havering Grove. Situated to the west of the site egress is Grade II listed building Ellices, 552 Rayleigh Road (List entry number 1297247). The building dates from early C19th, later rear extensions are not of special interest as noted in listing text from Historic England.

Having conducted a site visit and assessed the extensive supporting heritage impact assessment this listed building will not be subjected to harm in terms of any potential visibility of the proposals to its setting; the main concern is vehicular movement throughout construction and the maintenance of the site elements in terms of the frequency of vehicular access.

Such matters should be conditioned in the interests of preserving the historic environment. In terms of developing this land parcel for the proposed use please refer also to the County Archaeologists advice.

Recommendation:

Having reviewed the submitted information including the Historic Environment Settings Impact assessment I raise no objections on Conservation grounds.

• Basildon Fire Station:

No response received to date.

• Highways Agency:

Thank you for your e-mail to the Highways Agency Information Line regarding, Planning consultation for, Havering Grove Farm 552A Rayleigh Road Hutton Essex CM13 1SG.

The Highways Agency is responsible for the maintenance and stewardship of motorways and trunk roads in England. A trunk road is defined as a strategic link road between two centres of significant economic importance: such as cities, ports and airports. All other roads fall under the jurisdiction of the local authority.

A map showing the Agency's network of roads can be seen online here: http://www.highways.gov.uk/aboutus/139.aspx

This location is not under the Jurisdiction of the Highways Agency.

• Network Rail Property:

Thank you for consulting Network Rail with regard to the above planning application.

After reviewing the information provided in relation to the above planning application, Network Rail has no objections or further observations to make.

• Basildon Council:

No response received to date.

• Chelmsford City Council:

This Authority objects to the proposal for the following reason:

The proposal would be inappropriate development within the Green Belt and would be harmful to the openness of the Green Belt. It may also be harmful to the character and appearance of the rural landscape. There are no very special circumstances which would outweigh this harm. The development is therefore contrary to the National Planning Policy Framework.

• National Grid:

No response received to date.

• Open Space Strategy Coordinator:

No response received to date.

• Planning Policy:

The land is clearly within Green Belt and so should be assessed in light of local and national Green Belt Policy. However, due to the lack of local policy relevant to renewable energy provision it is advisable to refer to national guidance, and to a lesser extent emerging planning policy. The issue should be whether any harm to the Green Belt can be outweighed by the amount of renewable energy to be produced from potential development, and whether the impact of development can be mitigated against.

Planning Practice Guidance sets out specific guidance for planning applications related to large scale ground-mounted solar photovoltaic Farms, Paragraph: 013, Reference ID: 5-013-20150327. This sets out the mitigating factors that can be applied, such as screening with native hedges/trees, allowing for land to be continued to be used for agricultural purposes, and ensuring structures used are temporary.

Although the Council is in the process of preparing a new Local Development Plan to replace its existing Local Plan (2005), previous consultation set out draft policies relating to renewable energy. The Council's Preferred Options consultation (2013) set out draft Policy CP14 - Sustainable Construction and Energy:

"Proposals for renewable, low carbon or decentralised energy schemes will be supported provided they can demonstrate that they will not result in unacceptable harm to the local environment, including cumulative and visual impacts which cannot be satisfactorily addressed. Renewable and low carbon energy development proposals located within the Green Belt will need to demonstrate very special circumstances and that harm to the Green Belt is outweighed by the added environmental benefits of development."

Although this is not very specific, it does show a willingness to allow for renewable energy solutions where harm to the environment and impacts can be satisfactorily mitigated, including the need to demonstrate very special circumstances in the Green Belt. The location of the site in Green Belt therefore requires an extra test to show whether very special circumstances exist for allowing development can be proved.

The assessment for this application should weigh the potential benefits of development against the harm caused to the Green Belt.

6. Summary of Issues

Site Description

The application site is located to the north of Rayleigh Road and to the south of the railway line. The application site comprises 18.3ha, with the solar farm infrastructure being placed on 11ha within the site. The site constitutes three fields or parcels of land. Access to the site would be via a track accessed from Rayleigh Road. The site is bounded by vegetation in main, with some wire fencing. There are also areas of vegetation within the site, between the three fields. The site is currently agricultural in nature with the information submitted indicating it is currently under arable cultivation. Land levels vary across the site with the fields having a gentle undulating character.

The site is located within the Green Belt. As such the main considerations in the determination of this proposal are Green Belt considerations, impact on agricultural land, design and character of the area, ecology and landscaping, highway considerations, impacts on heritage assets, residential amenity considerations, flood risk and the impact on health and safety.

Green Belt

Paragraph 79 of the NPPF states that the Government 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.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Is the proposal inappropriate development in the Green Belt:

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. There are some exceptions to this, however, none of the exceptions includes the construction of a solar farm. As such the proposed development constitutes inappropriate development in the Green Belt. This conclusion is supported by paragraph 91 of the NPPF; the first sentence of which states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

Openness and purposes of including land in the Green Belt:

The proposal to install 2.5m high solar panels on the previously undeveloped Green Belt land, with associated structures; fencing, CCTV poles, a toilet, communication building, substations, etc will reduce the openness of this part of the site. It is noted that the applicant indicates that the solar farm will be significantly screened by vegetation, however, regardless of any screening, the openness will still be harmed. Openness is about the lack of built form on the site, rather than whether the built form is visible or not. The proposed solar farm would also conflict with the purposes of including land in the Green Belt as it would result in encroachment into the countryside with built form.

As such the proposal constitutes inappropriate development in the Green Belt and as such very special circumstances that outweigh the harm to the Green Belt need to be demonstrated. Paragraph 88 of the NPPF states that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Impact on agricultural land

The proposal seeks to use the three arable fields as a solar farm. However, the ecology report submitted indicates that an element of agriculture would be maintained on this site and it is indicated that following the initial 6 months of establishment, grassland will be managed by sheep grazing, with fields subject to light intermittent grazing by sheep between mid-August and late February with sheep removed from the site between March and early August to allow summer flowering plants to flower and set seed. A maximum grazing density of six sheep per hectare should be used.

As such, the proposal does seek to retain an element of agricultural use on the site, although this use would not be year round and would be an ancillary use of the land rather than its main use.

The Written Ministerial Statement on solar energy: protecting the local and global environment, made on the 25th March 2015 which refers to the Coalition Government's solar photovoltaic strategy, underlined the importance of focusing such growth on domestic and commercial roof space and previously developed land. The statement comments that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Where a proposal involves agricultural land that poorer quality land is used in preference to higher quality agricultural land. This is supported by Paragraph 112 of the NPPF which states that 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 higher quality. Annex 2 of the NPPF defines the best and most versatile agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification. Local Plan Policy IR3 similarly states that development of the best and most versatile agricultural land will only be permitted where it can be demonstrated that no alternative site exists.

In this regard, this application has been submitted with a sequential analysis study which concludes that the use of the agricultural/Greenfield land is necessary in the absence of previously developed land and barriers to the development of largescale commercial roof-space for photovoltaic developments. There are no potential sites of any poorer agricultural quality land and subject to less environmental constraints than the application site within the study area. The study area comprises the Brentwood Borough with a 10km buffer and therefore also includes parts of Basildon, Chelmsford, and a small part of Thurrock, Havering and Epping. The report comments that within Brentwood there are no areas of vacant or unused previously developed land that are capable of providing comparable MW output and a lack of vacant or unused previously developed land in the neighbouring districts. However, the report recognises at Paragraph 3.9 that Thurrock has substantially more vacant or unused previously developed land. The report comments, however, that the dataset which identifies this land within Thurrock refers to the entire administrative area, that this vacant or unused land is not necessarily within the study area, nor within the feasible 2km grid connection.

However, Officers consider that there is no reason why the developer should not look further afield than 10km surrounding the application site to determine whether there are any more suitable sites within the wider surrounding area that would adhere to Government Policy; that the large scale solar farms should be focused on previously developed, non-agricultural land. There is no Policy indication that the location of a development should ne influenced by artificial administrative boundaries. The details of the sequential analysis study submitted indicate that there could be appropriate brownfield land within the neighbouring authority of Thurrock and as such this opportunity should be considered in the first instance.

The information submitted also indicates that the majority of the site constitutes Grade 3a agricultural land (85%), with only a small amount of Grade 3b land (15%) to the peripheries of the site. Therefore the majority of the site constitutes the best and most versatile agricultural land. Whilst it is recognised that the sequential analysis report identified that around 72 percent of the study area is Grade 3 agricultural land, it does not distinguish whether this land is Grade 3a or Grade 3b; an important distinction in determining whether there are sites that are of poorer quality agricultural land (i.e. Grade 3b) which could be developed, rather than this, mainly Grade 3a land.

The Written Ministerial Statement on solar energy: protecting the local and global environment, made on the 25th March 2015 states that proposals for solar farms which involve the best and most versatile agricultural land (85% of the application is classified as the best and most versatile agricultural land) would need to be justified by the most compelling evidence. As outlined above, such evidence has not been submitted here.

It is noted that Chapter 3 of the NPPF seeks to support a prosperous rural economy and states that planning policies should promote the development and diversification of agricultural and other land-based rural businesses. However, whilst this proposal would result in farm diversification, this does not outweigh the harm identified above.

Design and Character of the area

The application site constitutes fields used for arable farming which are located in a rural, countryside location. One of the core planning principles of the NPPF, as set out in Paragraph 17 is that the intrinsic character and beauty of the countryside should be recognised. The NPPG (paragraph 013) states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the NPPG goes on to recognise that the visual impact of a well-planned and well-screened solar farm can be zero if properly addressed within the landscape and if planned sensitively.

The application has been submitted with an appraisal of landscape and visual effects (ALVE) which concludes that the landscape character of the site and surrounding area has a high sensitivity to change and that there would be a high magnitude of change to the site itself. However, the ALVE states that the effects on the wider landscape would be negligible. Visibility would be restricted by a combination of the landform; the gently undulation topography, the hedgerows, landscaping and occasional woodland block. Which in combination with the low profile of the development, would result in very few views of the development.

The ALVE recognises that there are some locations where some views of the development would be possible, including from the public rights of way (PRoW) to the east and west, and the development would be visible to passengers on trains travelling on the railway line to the north. However, visibility form the PRoW would be limited due to the dense vegetation, which will be supplemented where necessary to further obscure views of the solar farm.

The ALVE also concludes that some residences will have partial views of the solar farm; from some dwellings to the south of Bushwood Farm, some dwellings in Billericay and in Havering Grove, however these views would be likely to be at first floor and restricted by intervening vegetation and/or the solar farm will only be a small element within the landscape panorama.

The report therefore concludes that there would be very few views of the development from further than 600m from the site and there would be only a negligible effect on visual amenity and the proposal would not result in any unacceptable landscape or visual impacts.

A topographical survey has been submitted and a site visit undertaken, which confirms that the site is screened by dense vegetation to the boundaries; much of which is above 4m in height. There are some gaps within this boundary treatment and some views out of and into the site. It is also apparent that the solar farm would be visible to train passengers given the level of vegetation on this boundary and the changes in levels and elevated position of the train line in some parts. As confirmed in the ALVE, it is apparent that the solar farm would be visible to at least some of the surrounding dwellings.

In 2006, a Landscape Character Assessment (LCA) prepared by Chris Blandford Associates for a number of local authorities in Essex, including Brentwood was produced. The LCA has not been formally adopted by Brentwood Borough Council but it provides a helpful starting point for the consideration of the effects of a proposal on the landscape. This document provides strategic level information on the character and appearance of landscape areas and their sensitivities to change. Within the Landscape Character Assessment the application site is located within the Heybridge Wooded Farmland Area (shared with Chelmsford City). The Key characteristics of this area include undulating wooded farmland, a mixture of medium - large arable fields with mature treed field boundaries and vegetation lined ditches.

The Landscape Character Assessment identifies the sensitivities to change within the site as being mature treed field boundaries and single mature trees and vegetation-lined ditches which are sensitive to changes in land management. The overall sense of tranquillity within parts of the character area (away from main road corridors) and the network of narrow tree-lined lanes is also sensitive to change and potential new development or increases in traffic flow associated with such development. Open views to wooded horizons are sensitive to new development which may interrupt or block such views. The conclusion is that this character area has a relatively high sensitivity to change.

The suggested landscape planning guidelines within the landscape character assessment include; to conserve the mostly rural character of the area, ensure that development responds to historic settlement patterns and is well integrated with the surrounding landscape. Suggested land management guidelines are to conserve and enhance mature hedgerow trees and conserve and manage areas of woodland.

This proposal does seek to adhere to some of these recommendations; it seeks to retain the historic field size and shape patterns, and it seeks to conserve and enhance the mature hedgerows surrounding the site.

The ALVE submitted includes the Author's assessment of landscape character of the area; up to 2km from the site which comments the area is gently undulating. The dense hedgerows with trees and woodland blocks around the field boundaries create a strong sense of enclosure. However, the PRoW within the area occasionally have medium to long views to distant low ridges, especially from relatively higher locations. It is stated that if the proposed development is at all visible, only small parts of the proposed development would be seen at any one time. It is also stated that the site is currently influenced by Man's activities and with the development in place this would continue and the influence of Man's activities associated with landscape would not materially change. The low-lying nature of the proposal would result in the development not forming a feature of the skyline. The proposal would have little impact on the existing perception of tranquillity. It concludes that the development results in a high magnitude of change to the site, however, for the wider landscape area the proposed development would give rise to a negligible magnitude of change.

However, in response to the Author's assessment, it is clear that the site will be visible from the PRoW, at least in part. The solar farm would also be visible to the train passengers. In terms of the comment that the site is already influenced by Man's activity, there is a railway track to the north of the site and there are other man-made structure such as fences and buildings that are visible in the area. However, the scale of this proposal is in stark contrast to these existing man-made structures on, and surrounding the site.

The ALVE includes a section on visual amenity which identifies potential locations from which the development may be visible from. It is concluded that the low lying landform, adjacent woodland and hedgerows restrict views from the majority of the surrounding locations. However, the viewpoints considered, do indicate that there will be moderate visual effects from the nearest ProW to the east and west, although the development would not be visible from the entire length of these PRoW and the entire development would not be visible from these viewpoints. It is also commented that after 5-10 years, once the boundary gaps have been in-filled by vegetation, the impact would decrease to minor.

The proposed development; the solar farm and its ancillary features, would fundamentally change the open, rural character of the application site by covering a large proportion of it in man-made infrastructure. However, given that the countryside here is not located as a Special Landscape Area and given the findings of the ALVE and the fact that the solar farm would not be particularly visible in the area, it is not considered that the proposal would result in significant and demonstrable harm to the rural character and appearance of the area.

Given the location of the site, and the distance from the site to the nearest other solar farm located 4.9km away in the Borough of Basildon at Outwood Farm, it is not considered that there will be any cumulative impacts as a result of separation of these two sites.

No objection is therefore raised on this basis in terms of Chapter 7 of the NPPF or Policies CP1 or IR6(ii) of the Local Plan.

Ecology and Landscaping

In terms of ecology, a Biodiversity Management Plan and ecological assessment have been submitted. The application site is located approximately 840m from the nearest statutorily designated site; Hutton Country Park, and lies within an area containing 12 non-statutorily designated sites, the closest of which is Round Wood, approximately 340m to the east of the site.

The information submitted indicates that whilst badger activity was found during the ecological appraisal survey, no setts were found. The ecological appraisal comments that the site and adjacent land is potentially suitable for a range of protected species and the wider area offers foraging and roosting opportunities for bats and birds. There are no records of birds of conservation concern within 2km of the application site, the area is likely to support a suite of breeding birds typical of the region. There are no records of bats on the site, although the hedgerows offer foraging and the commuting potential and the pond offers foraging potential. Trees within and surrounding the site offer the potential for bat roosting. Evidence of badger activity was recorded on the site, no setts were found. The presence of hazel dormouse within the site cannot be discounted. No evidence of otter or water voles was found. There is potential for common reptile species to occur on the site. Habitat suitability for Great Crested Newts is considered to be good. The site is likely to support a range of invertebrates common to the area.

The information submitted indicates that mitigation/enhancement will occur as a result of the development, including, tree protection and any vegetation clearance would occur outside the bird breeding season. Additional native planting will occur which will diversify the mix of species around the site and will provide additional shelter and foraging for a range of species and will strengthen habitat connectivity. Species such as hazel and blackthorn will be managed to increase food resources for a range of species, such as birds, small mammals and invertebrates. 15 bird nest boxes and 15 bat boxes will be positioned on the site. The fencing will include gates to allow the dispersal of wildlife (such as badgers and small mammals). An ecological monitoring programme will be established with an experienced ecologist monitoring the site. The results of these monitoring programmes will inform any remedial measures to ensure the proposed biodiversity gains are realised.

Natural England have comments that the proposal is unlikely to affect any statutorily protected sites or landscapes. Solar farms offer excellent opportunities to create new habitats, such as grassland habitats between the panels. Details in this regard should be submitted and can be secured via condition. Subject to such a condition, it is considered that the proposal would not have any harm ecology and no objection is therefore raised on this basis.

In terms of landscaping, the information submitted indicates that boundary hedgerows and trees within and adjacent to the site will be protected with fencing during construction. Shrubs, hedgerow in-fills and trees will be planted within the sections of poor hedgerows will be strengthened and planted with native species. Grassland under and around the solar panels will be managed to encourage species. The field margins will be managed with cutting for the first three years to reduce nutrient levels, before being sown with a meadow wildflower mixture to ensure improved conditions for the establishment of the wildflower seed.

Highway Considerations

A construction, decommissioning and traffic management method statement has been submitted with this application. A 'swept pass' analysis has been undertaken which indicates that only the eastern side of the lane is suitable for the access and egress of construction traffic. The access path will have to be improved to provide a suitable surface for vehicles. Delivery times will be restricted to 9am-5pm Monday to Friday and 8am - 1pm Saturday during construction and decommissioning phases and deliveries will avoid rush hours and school pick up/drop off times. The expected number of deliveries during construction is 150 HGVs and 160 HGVs during decommissioning. Construction will take 8-10 weeks and typically 2-5 deliveries will occur per day throughout the construction process. It is expected that a maximum of around 10 staff will be on site at any one time during construction or decommissioning, and will park in a construction compound area within the site. Noise generating construction/decommissioning times will be limited to 9am - 5pm Monday to Friday and 8am - 1pm Saturdays.

The Highway Authority has commented that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions requiring a condition survey of the public highway and details of wheel washing and under chassis washing facilities. The Highway Authority note that it is necessary for the developer to comply with the details contained within the submitted Construction, Decommissioning and Traffic Management Method Statement during the construction works and decommissioning works.

It is noted that there are a lot of neighbour concerns raised with regard to highway issues, however, given the advice received from the Highway Authority, it is considered that the proposal would not harm the highway safety of the area. Neighbour concerns also include damage to the highway, however, the construction, decommissioning and traffic management method statement submitted indicates that on completion the developer will 'make good' any damage caused by the construction movement. As and when necessary vehicle wheels will be manually cleaned to prevent mud being brought onto the surrounding roads. Following the local planning authority receiving the Highway Authority comments, the Agent has subsequently provided a construction traffic management plan (dated May 2015) which includes wheel washing details. The Highway Authority has confirmed that the wheel washing facilities are sufficient. As such this condition, previously recommended by the Highway Authority is no longer required.

Since the Highway Authority consultation response was initially received, a Road Condition Survey has also been submitted which the Highway Authority has confirmed is acceptable.

Impact on Heritage Assets

S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which is possess. S72(1) of this act states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Chapter 12 of the NPPF aims to conserve and enhance the historic environment, with paragraph 132 stating that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.

A detailed Historic Environment Settings Impact Assessment has been submitted with the application which concludes that the proposed development would not result in any significant adverse effects to the significance of any designated heritage assets in the surrounding area.

Historic England have provided the Council with 'no comments' on this proposal, and recommend that the application is determined in accordance with the national and local policy guidance and on the basis of the Council's own specialist conservation advice. In this regard, the Council's Historic Buildings Consultant (HBC) has commented that the access to the site is situated close to the Grade II Listed Building Ellices, 552 Rayleigh Road, however, having assessed the extensive supporting heritage impact assessment submitted, the Listed Building will not be subjected to harm in terms of any potential visibility of the proposal to its setting. The HBC comments that the main concern is vehicular movements throughout the construction and the maintenance of the site in terms of frequency of vehicular access and recommends that these matters are conditioned in the interest of preserving the historic environment. The HBC raises no objection to the proposal on Conservation Grounds. A condition is therefore necessary requiring the proposal to be developed in accordance with the submitted document. In terms of archaeology, a desk based assessment was submitted, followed by an archaeological geophysical survey. The geophysical survey concludes that no identifiable archaeological features appear to be present on the site. The Historic Environment Officer at Essex County Council has provided the Council will specialist archaeological advice on this application and comments that it is accepted that the overall impact of the proposed development is probably relatively low. The results from the survey confirm that no further work will be required prior to the development and no conditions need to be attached to this application.

Residential Amenity Considerations

Given the separation distance between the proposed solar farm and the nearest residential dwelling which is approximately 140m away, the proposal would not result in any harm to the residential amenity of the adjoining residents in terms of dominance or an overbearing impact. Given the location and the nature of the development and the single storey nature of the ancillary buildings, the proposal would not result in any undue loss of privacy or overlooking to surrounding residents.

In terms of noise, the information submitted with the application indicates that the maximum noise level of 35dBA will not be exceeded at the site boundary. The Council's Environmental Health Officer has commented that Environmental Health's main concern regarding this application relates to noise. However, the Environmental Health Officer comments that the EH department is satisfied with the developers commitment as outlined in the Planning, Design and Access Statement that maximum noise levels will not exceed 35dBA at the site boundary. Subject to a condition requiring this and subject to conditions requiring acoustic reports, the Environmental Health Officer raised no objection to the proposal. Subject to such conditions no objection is therefore raised on this basis.

The Environmental Health Officer also seeks to have a condition imposed restricting the construction activities. However, this would be covered by the Environmental Health department and is covered by separate legislation rather than planning legislation and does not therefore require repeating here, in accordance with Paragraph 005 of the NPPG which states that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning,

It is not proposed to install flood lights. The CCTV cameras will use infrared technology so that no lighting is required. A motion sensor security light on the DNO substation is the only light proposed. As such it is not considered that the proposal would adversely affect the residential amenity of the area in this regard.

The information submitted indicate that there is often a misconception with PV panels that they cause glint and glare or safety concerns to planes. Rather the glass used for the panels is designed to absorb as much daylight as possible to convert to electricity and therefore has a low level of reflectivity compared to surfaces such as windows and water. The information submitted confirms that the potential for glint and glare is lower than that from man-made structures such as poly tunnels and glass houses. The report confirms that because most reflections from the panels will be skyward, the solar farm will not create a traffic hazard or nuisance to residential properties. It is also confirmed that this skyward reflection does not cause aircraft safety issues which is supported by the fact that in Germany and the USA PV systems are commonly installed on airport terminal buildings/within the grounds of airports. There are solar panels on the terminal buildings of Gatwick.

Flood Risk and Drainage Considerations

A Flood Risk Assessment (FRA) has been submitted with the application. The FRA comments that whilst the majority of the site is located within Flood Zone 1; which has the lowest probability of flooding, part of the site is also located in Flood Zones 2 and 3 which have a higher probability of flooding, however, in accordance with the sequential approach as outlined in the NPPF, the proposal has located the entire development within Flood Zone 1.

In terms of flood risk, the Environment Agency (EA) confirm that the proposal is inkeeping with the sequential approach to flood risk, by directing the development to the area of lowest probability of flood risk. The EA therefore raise no objection to the proposed development.

In terms of drainage, the FRA indicates that the extent of the impermeable cover as a result of this development amounts to 0.09 percent of the total site area and the effect of the proposal solar farm on the runoff rate will be minimal. A sustainable drainage strategy is proposed; swales are proposed to manage the disposal of surface water runoff from the development. The swales will be at the low points of the site and will provide 46 m3 of storage which would be greater than the additional runoff generated as a result of an extreme 1 in 100 year storm event, including allowance for climate change; 18 m3.

Essex County Council as Lead Local Flood Authority have commented that the installation of solar panels would result in only a small increase in the impermeable area and therefore should not have a significant effect on runoff volumes.

Given the advice of the EA and the Lead Local Flood Authority, and given the conclusion of the FRA submitted and the proposal to provide swales to improve the drainage of the area, it is considered that the proposal would not result in any undue harm in terms of flood risk and the proposal would not increase the risk of flooding elsewhere in accordance with Chapter 10 of the NPPF.

Impacts of health and safety

A number of the local residents have raised particular concerns about the impact of the solar farm on their health, commenting that the health risks of large solar farms are unknown. However, the information submitted with the application indicates that solar farms pose no risk to the health of people; the panels are strong enough to withstand strong wind events, the panels are based on silicon technology and any physical damage to the panels would not result in leakage as the panels do not include any water soluble components. Electric Magnetic Fields produced by solar farms are many times below the internationally recognised safety guidelines. No objection is therefore raised on this basis.

Energy production

Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require the applicants for energy development to demonstrate the overall need for renewable or low carbon energy and should approve such applications unless material considerations indicate otherwise or if its impacts are (or can be) made acceptable. One of the core planning principles, as outlined in paragraph 17 of the NPPF is to support the transition to a low carbon future in a changing climate by amongst other factors, encouraging the use of renewable resources.

However, it has been indicated by the applicant that the proposal would result in environmental benefits to offset the effects of climate change, with the 5MW solar farm offsetting some 2,502,280Kg of carbon dioxide emissions per year. The solar farm would generate enough electricity to power 1,460 typical households and would be equivalent to removing 556 cars from the road each year.

Neighbour comments

In a speech to the Large Scale Solar Conference, delivered in 25th April 2013 by Gregory Barker, the Minister for Energy and Climate change commented:- it is recognised that solar energy is popular, however it is also recognised that solar energy needs to be given careful consideration, he indicated that if we aren't careful, or if the sector expands inappropriately than invaluable popular public support will slip through our fingers. We don't want solar to become a bone of public contention like onshore wind...solar energy is a genuinely exciting energy...and we want to see a lot, lot more but not at any cost...not in any place...not if it rides roughshod over the views of local communities. As we take solar to the next level, we must be thoughtful, sensitive to public opinion and mindful of the wider environmental visual impacts.

In this regard, there have been many letters of support for this proposal, although a number of these representations come from a much wider area than the local community. Nevertheless, it is apparent that there is significant disquiet in the local community, with the neighbouring occupiers extremely concerned about the impact of this proposal, which in accordance with the above guidance needs to be very carefully considered.

The Green Belt balance and whether other considerations clearly outweigh the harm caused:

Paragraph 88 of the NPPF states that when considering any planning application, 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.

As discussed the proposed development would constitute inappropriate development in the Green Belt and if approved would result in significant and demonstrable harm to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt.

The proposed development would result in the significant loss of the best and most versatile agricultural land; with 85% of the application site constituting the best and most versatile agricultural land. Whilst the proposal will enable sheep to be grazed between the solar panels, this is considered to very much be an ancillary function, with the main purposes of the site to provide a solar farm. The applicant has failed to suitably consider whether there are genuine alternatives to using this best and most versatile land for such a development, contrary to National and Local Planning Policy.

The proposal would therefore result in significant harm. However, it is necessary to determine whether this significant harm is clearly outweighed by other considerations. In this instance, the proposal would provide some ecology benefits and would provide environmental benefits by providing renewable energy and by helping to move towards a low carbon future. It would provide enough energy to power 1,460 typical households and would be equivalent to removing 556 cars from the road each year, which is positive and a key benefit of the proposal.

However, Paragraph 79 of the NPPF states that the Government attaches great importance to the Green Belt. Government Policy is discouraging the use of the best and most versatile agricultural land for solar farms and encouraging the use of brownfield sites and sites of lower agricultural quality. The application also generated a large amount of concern from the local community. These material planning considerations indicate that the application site is the wrong place for a development of the size and nature proposed. It is therefore concluded that the benefits of the proposal in terms of environmental and biodiversity benefits would not clearly outweigh the harm by reason of inappropriateness and, other harm, to constitute the very special circumstances required to outweigh the harm identified. As such the proposal is recommended for refusal.

7. <u>Recommendation</u>

The Application be REFUSED for the following reasons:-

R1 U09973

The proposed solar farm constitutes inappropriate development within the Green Belt and would significantly and demonstrably decrease the openness of this part of the Green Belt and would conflict with the purposes of including land in the Green Belt contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U09974

It has not been demonstrated that any previously developed land is available for the development within the wider area; outside the Borough of Brentwood and beyond 10km from the application site and it has not been demonstrated that there is no suitable sites of a lower agricultural quality within the Borough of Brentwood, or the surrounding area that would be more suitable for a solar farm, contrary to the National Planning Policy Framework, particularly Paragraph 112, the Written Ministerial Statement of the 25th March 2015 and Policy IR3 of the Brentwood Replacement Local Plan 2005.

R3 U09976

The benefits of the proposal in terms of environmental and biodiversity benefits would not clearly outweigh the harm by reason of inappropriateness and the other harm identified, to constitute the very special circumstances required to justify this development, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policy GB1 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, GB1, GB2, C5, C14, C15, IR3, IR6 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: LAND AT HAVERING GROVE FARM, 552A RAYLEIGH ROAD, HUTTON, CM13 1SG

15/00161/FUL

1:5000 at A4

Date 23rd June 2015

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



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08. HONEYSUCKLE LODGE BLACKMORE ROAD KELVEDON HATCH ESSEX CM15 0BJ

SINGLE STOREY SIDE AND REAR EXTENSION AND CONSTRUCTION OF DETACHED OUTBUILDING (RETROSPECTIVE).

APPLICATION NO: 15/00354/FUL

WARD	Brizes & Doddinghurst	8/13 WEEK DATE	06.05.2015
PARISH	Kelvedon Hatch	POLICIES	NPPF NPPG CP1
CASE OFFICER	Mr Jonathan Binks	01277 312769	
Drawing no(s) relevant to this decision:	1; 2; 3; 4;		

This application was referred by Cllr Parker from Weekly Report No 1689 for consideration by the Committee. The reason(s) are as follows:

I would like to refer the above as the height of the outbuilding according to the applicant when measured from a particular spot complies with permitted development for outbuilding constructed in the curtilage of the property.

Update since publication of Weekly List 1689

None

1. Proposals

The application is seeking permission for a single storey side and rear extension, and a detached outbuilding to the property at Honeysuckle Lodge, Blackmore Road. The works have commenced and have been substantially (but not wholly) completed.

The proposed extension would have a depth of 7.11 metres beyond the original rear of the dwelling and a maximum of 3.2 metres beyond the side elevation. The maximum height of the extension would be 2.757 metres. The side enlargement would provide for a new garage at the property.

The proposed outbuilding would have a length of 11.3 metres, a width of 4.63 metres and a maximum height of 2.8 metres.

2. Policy Context

National Policies

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

Brentwood Replacement Local Plan 2005:

CP1 - General Development Criteria

3. <u>Relevant History</u>

• 14/00767/FUL: Single storey side and rear extension, dormer windows to rear and repositioning of door to front elevation. -Application Refused

4. <u>Neighbour Responses</u>

9 neighbour representation letters were sent to the surrounding properties. One response was received from a property not on the notification list. The objections raised included:

- The size and dominance of the outbuilding
- The trees were felled along the public footpath prior to the application
- Harm to the attractiveness of the footpath behind the application site
- The outbuilding is a dominant feature for adjacent residents
- The outbuilding and extension has resulted in too much available land being built on, increasing the footprint
- The height of the outbuilding exceeds the permitted development requirements

Kelvedon Hatch Parish Council raise no objections to the proposal.

5. <u>Consultation Responses</u>

• Parish Council:

No objections.

6. Summary of Issues

The application is in response to 14/00767/FUL which was refused with regards to a rear dormer window, the proposed side and rear extension is not materially different to the one considered acceptable by the previous application.

Effect on character and appearance:

The application property is one half of a pair of semi detached properties within a suburban residential area of Blackmore. The rear garden of the application property backs on to a single track lane and the rear gardens of a number of properties back on to this public space.

Design

The side and rear extensions would be significant in size but of a fairly low visual impact and subject to a condition to agree external render, would not be harmful to the character and appearance of the area.

The outbuilding however, is also of a significant size and height, very close to the boundary with the public footpath. It has been designed with a chamfered edge (n.b the siting of the building on proposed block plan does not correctly plot the building in relation to this rear boundary). Due to the higher ground level within the site, it is a highly prominent feature when viewed along the public semi-rural footpath. It appears as an overdominant and contrived built form.

It would therefore be harmful to the visual amenity of the area and detrimental to the appearance of the area. Because of its height and proximity to the boundary it is not considered that a landscaping condition to provide adequate screening would overcome this harm. Effect on Neighbour Living Conditions

The proposed side and rear enlargement would extend up to the boundary with both neighbouring properties at Meadowview and Ramblers Cottage, Blackmore Road. The dwelling at Ramblers Cottage is of a similar depth and distance from the boundary as the dwelling at the application site. The boundary between the dwellings is separated by a brick wall and a hedge both approximately 3 metres in height. The boundary treatments between the two dwellings are considered to be sufficient to screen the majority of the extension from the habitable dwelling at Ramblers Cottage.

The dwelling at Meadowview has a rear enlargement which extends along the boundary with the application site and beyond the rear of the proposal. The proposed extensions is higher than that of the boundary treatments and the rear enlargement at Meadowview. It is considered the enlargement at Meadowview screens the proposal sufficiently and the extension would not result in a significant detrimental impacts on the living conditions of the occupiers.

The proposed outbuilding is of a sufficient distance from neighbouring dwellings as to not cause a significant detrimental impact on the living conditions of neighbouring occupiers.

Conclusions

The design and location of the rear extensions are considered to be acceptable however the outbuilding is of a size and siting that would be detrimental to the character and appearance of the surrounding area and therefore conflict with local plan policy CP1 (i) and (iii) and the aims and objectives of the national planning policy.

7. <u>Recommendation</u>

The Application be REFUSED for the following reasons:-

R1 U10088

The size and height of the outbuilding together with its proximity to the boundary with the adjacent single track would be a dominant and prominent feature that would be harmful to the visual amenity of the surrounding area, and detrimental to the character and appearance of that part of the area. This would be in conflict with the local plan policy CP1 (i) and (iii) and the national planning policy framework which expects new development to be of good design and support local distinctiveness.

Informative(s)

1 INF20

The drawing numbers listed above are relevant to this decision


2 INF24

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

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Title: HONEYSUCKLE LODGE, BLACKMORE ROAD, KELVEDON HATCH, CM15 0BJ

15/00354/FUL

Scale 1:1250 at A4

Date 23rd June 2015

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



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09. 114 ORCHARD AVENUE BRENTWOOD ESSEX CM13 2DP

CHANGE OF USE FROM MOTOR SPARES SHOP (RETAIL) TO CAFE (FOOD OUTLET).

APPLICATION NO: 15/00145/FUL

WARD	Brentwood South	8/13 WEEK DATE	26.05.2015
PARISH		POLICIES	CP1 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	1;2;3;4;E-MAI	L DATED 14/04/15	5; 5;

1. Proposals

Proposed change of use from retail shop to cafe (food outlet). The applicant explains that the use would be mainly as a sandwich/coffee shop and that there will be 12 covers in total.

The application relates to the ground floor of the property which has a total floorspace of 58sq.m. No changes are proposed to the external appearance of the building except for an extractor on the side wall of the building.

The applicant intends, initially, to be open 7 days a week (7am-4pm Monday to Friday and 8am-2pm on Saturdays and Sundays) but weekends would be a trial and the premises would be closed on Bank Holidays. Two full time workers would be employed.

There is no off-street parking associated with the proposed use but the applicant makes reference to 'lots of free parking outside and behind the shop' which is already used by customers of other shops.

In support of the application the applicant states that the cafe is what this estate needs, it will bring the community together and provide fast ready meals for local elderly so they do not have to wait for public transport to the High Street.

The property is owned by Brentwood Borough Council.

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.

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.

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

• : - None

4. <u>Neighbour Responses</u>

7 letters of notification were sent out and a site notice was displayed near to the site.

5 letters of objection have been received raising the following concerns:-

- already suffer from parking problems - proposal would add to congestion - would cause problems for deliveries to adjacent convenience store

- smell would be intolerable for local residents

- would encourage badgers, foxes and squirrels to hang around for longer

- would have adverse impact on adjoining convenience store which sells sandwiches, pies and drinks etc.

- would be concerned regarding evening opening
- this is a residential area not an industrial estate
- customers vehicles may block access to resident garages

Three letters of support has been received on the basis of the following:-

- they would be delighted to have a local cafe which they would use daily for breakfast and a cup of tea

- more healthy eating areas are needed on their estate
- the shops have been empty for far too long

- good idea for the community

5. <u>Consultation Responses</u>

• Environmental Health & Enforcement Manager:

Based on the types of low level foods served, the proposed ventilation system will be adequate for the purposes. I would however be cautious that once permission is granted, the premises could change by nature in the future to add a fat fryer or more commercial cooking, this can happen if the cafe is later sold to a different type of cuisine. A future proof condition that details submitted are suitable for the type and nature of the food operation and any changes should be consulted with environmental health would work.

I would also advise that at this stage that where new wash hand basins are installed it is recommended that they are of the non-hand operable type. The food business must register 28 days before opening by completion of a food premises registration form, and the applicant should discuss with the Environmental Health Department the food premises layout and facilities for providing safe food, prior to opening.

The Environmental Health Officer also advises that the applicant will need to consider to have installed over the cooking range a ventilation hood with grease filter.

• Highway Authority:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, given the existence and previous use of the unit as retail, and neighbouring amenities.

Note: Whilst the proposed café does not include any parking provision, this location has good access by walking, cycling and to public transport.

6. <u>Summary of Issues</u>

The application site is allocated in the Local Plan for residential purposes but is located in a mixed use area. The site is within close proximity to other commercial uses (including a convenience store and hairdresser) as well as residential units (including at first floor level above the proposed cafe, a block of flats to the rear beyond a garage block and dwellings to the south, south-east and south-west) and a scout camp to the east.

The main issues which require consideration as part of the determination of this application are the impact of the proposed use on the amenity of the occupiers of local residences and highways/parking issues.

Use of the premises as a general cafe has the potential to cause harm to local residents through odours and/or general disturbance at unsociable hours. However, the applicant's proposal is for a cafe serving a limited menu and one which would not be open before 7am or after 4pm on weekdays or before 8am or after 2pm at weekends. Based on the advice of the Environmental Health Officer, it is considered that, provided that the type of cooking equipment and opening hours are limited to those proposed, the development would not cause harm to the amenity of the occupiers of any neighbouring property, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). It is recommended that the other advice from the Environmental Health team (regarding hand basins, registration, ventilation etc.) is added as an Informative to any planning permission granted.

There would be no dedicated off-street parking for use by the customers or staff of the proposed cafe. However, given the nature, scale and opening hours of the proposed use, given the previous retail use of the premises and as this location has good access to walking, cycling and public transport, it is considered that the proposed development would not cause harm to highway safety or undue inconvenience for existing road users, in compliance with the NPPF and Policies CP1 (criteria iv and v) and T2. The Highways Officer supports this view.

Most of the issues raised in the representations received have been addressed above. Any competition for customers for the existing convenience store would not justify a refusal planning permission but the proposed use would create an economic benefit by bringing a vacant commercial unit back into use.

7. <u>Recommendation</u>

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 U10085

The premises shall not be open for customers outside the following hours: 07:00-16:00 Mondays to Fridays, 08:00-14:00 Saturdays and Sundays, and shall not be open at any time on public holidays.

Reason: To safeguard the living conditions of nearby residents.

3 U10086

The extraction system proposed shall be installed and fully operational, prior to the commencement of the use hereby permitted.

Reason: In the interests of the amenity of the local residents.

4 U10087

No cooking/heating equipment shall be used on the premises other than a grill and hot plate griddle at any time.

Reason: To protect the amenities of the occupiers of local residents.

5 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.

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 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 U02369

The applicant's attention is drawn to the following Environmental Health advice:a. The applicant will need to consider having a ventilation hood with grease filter installed over the cooking range.

b. Where new wash hand basins are installed it is recommended that they are of the non-hand operable type.


c. Food businesses must register 28 days before opening by completion of a food premises registration form, available online

http://www.brentwood.gov.uk/index.php?cid=1098

d. To discuss the food premises layout and facilities for providing safe food it is recommended that the applicant contacts Environmental Health before opening.

BACKGROUND DOCUMENTS

DECIDED:



Title: 114 ORCHARD AVENUE, BRENTWOOD, CM13 2DP

15/00145/FUL

Scale 1:1250 at A4

Date 23rd June 2015

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



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10. BRENTWOOD CARWASH CENTRE BRENTWOOD CENTRE DODDINGHURST ROAD PILGRIMS HATCH ESSEX CM15 9NN

RELOCATION OF AN EXISTING PORTAKABIN IN ASSOCIATION WITH THE USE OF PART OF THE SITE AS A HAND CARWASH FACILITY

APPLICATION NO: 15/00466/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	29.05.2015
PARISH		POLICIES	CP1 T2 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	8152 100; 8152 200;	8152 300 ;	

1. Proposals

Relocation of an existing portakabin in association with the use of part of the site as a hand carwash facility.

The portakabin is currently located adjacent to the north-western elevation of the Brentwood Centre building and would be relocated adjacent to the existing carwash facility.

The portakabin would measure 2.7m x 7.3m and 2.4m in height.

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.

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.

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

• : - None

4. Neighbour Responses

A site notice was displayed at the entrance to the Brentwood Centre site. One representation has been received from the Ward Councillor, Councillor Vicky Davies raising concern that this reduces the capacity of the car park.

5. <u>Consultation Responses</u>

• Environmental Health & Enforcement Manager:

No comments to make.

• Highway Authority:

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

6. Summary of Issues

The application site form part of the car park associated with the Brentwood Centre. The portakabin would be located in part of the car park to the south-west of the existing building.

The main issues 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 nearby residents and parking/highways.

The portakabin proposed would not make a positive contribution to the character and appearance of the Brentwood Centre site. However, the portakabin would only be 2.4m in height and the car park is well screened by existing boundary vegetation. In addition, the applicant's agent has advised that repair and refurbishment works will be undertaken to it, which will be likely to include an element of recladding, with similar materials to existing and could include repainting, if required. On this basis, it is considered that the development would not have an adverse impact on the character and appearance of the wider area, in compliance with the NPPF (section 7) and Policy CP1 (criteria i and iii). However, given the temporary nature of the accommodation proposed, it is recommended below that planning permission is only granted for a temporary period of 3 years.

The portakabin would not have an adverse impact on the occupiers of any local residents given the distance between the proposed portakabin and the nearest residential property (a minimum of 80m away), in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

The existing car wash facility utilises a total of 11 parking spaces, the portakabin would take-up around 3 parking spaces. However, it is considered that this would be a negligible loss given the availability of parking within the grounds of the Brentwood Centre. The Highways Officer supports this view. On this basis, the proposal would not cause material harm to highway safety or the convenience of road users, in compliance with the NPPF (section 4), Policy CP1 (criteria iv and v) and Policy T2.

7. <u>Recommendation</u>

The Application be APPROVED subject to the following conditions:-

1 TIM07 Temporary permission - Use (Land)

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30 June 2018 in accordance with a scheme of work to be first agreed in writing with the local planning authority.

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

2 U10211

The portakabin hereby approved shall only be used ancillary to the use of the Brentwood Leisure Centre and for no other purpose.

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

3 U10289

The portakabin shall not be placed on the site before improvements to its external appearance have been completed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of the character and appearance of the area.

4 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.

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 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 U02416

The applicant is advised that consent from the landowner (Brentwood Borough Council) would also be required for the proposed relocation of the portakabin.

BACKGROUND DOCUMENTS

DECIDED:

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Title: BRENTWOOD CARWASH CENTRE, BRENTWOOD CENTRE, DODDINGHURST ROAD

15/00466/FUL

1:1250 at A4

Date 23rd June 2015

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



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11. LAND FORMERLY KNOWN AS NV TOOLS ST JAMES ROAD BRENTWOOD ESSEX

REDEVELOPMENT FOR 45 FLATS, LANDSCAPED AMENITY DECK, AND ASSOCIATED CAR PARKING.

APPLICATION NO: 15/00142/FUL

WARD	Brentwood West	8/13 WEEK DATE	18.05.2015
PARISH		POLICIES	NPPF NPPG CP1 CP2 CP3 CP4 H6 H8 H15 E2 T3 T4 T5 T7 LT5

CASE OFFICER Caroline McCaffrey 01277 312603

Drawing no(s) relevant to this decision: 1284/050 P1 Location Plan, 1284/051 P1 Block Plan, 1284/130 Lower Ground Floor Plan, 1284/100 P5 Lower Ground Floor Plan 1284/101 P5 Upper Ground Floor Plan, 1284/102 P4 First Floor Plan, 1284/103 P5 Fifth Floor Plan, 1284/104 P3 Roof Plan, 1284/105 P2 Second floor floor plan, 1284/106 P1 Third floor floor plan, 1284/107 P1 Fourth floor floor plan, 1284/110 P4 South (Inner) Elevation, 1284/111 P4 South Elevation, 1284/112 P5 East Elevation, 1284/113 P5 North Elevation, 1284/114 P4 West Elevation, 1284/120 P1 Street Scenes, 1284/123 P2 Cycle Storage, 1284/124 P1 Refuse Storage, 45765-C-001A, 45765-C-002A, 45765-C-003A. Statement in support of application February 2015, Design and Access Statement February 2015.

1. Proposals

The application site comprises a roughly rectangular area of land at the junction between St James Road and Station Road. The site was cleared many years ago in anticipation of the redevelopment of the former NV Tools site. Brunel House, a residential development to the west, forms part of that redevelopment and the main body of the current application site would complete the development. The land falls from St James Road towards the railway land to the south. The application site is separated from the railway car park by the industrial units in Kings Eight. The site lies on the edge of the commercial area around the station with premises to the east and south being in business use with those to the north and west being residential. The application site includes a narrow strip of land north of the railway west of Warley Hill. Permission is sought to develop the land for residential flats. 27 two bedroom and 18 one bedroom flats are proposed to be built over six floors. It is indicated that 16 units would be affordable housing with the tenure split to be agreed with the Council and the preferred Registered Social Landlord (RSL). The application indicates that ten would be "affordable" with a further six being "intermediate". The proposal includes 27 car parking spaces on two levels with access being gained to the upper level from St James Road and the lower level from Station Road. Six spaces are proposed to be allocated disabled spaces. 50 cycle parking spaces and 5 motor cycle spaces are identified within the parking areas. The application indicates that an additional 18 car parking spaces will be available at the station car park through the provision of permits secured through a planning obligation for a period of three years.

The main entrance to the building is proposed at the apex of the junction where an entrance hall would provide access to the staircase and lift to upper floors. Two flats are proposed at ground floor level one of which would be fully accessible with level access directly from St James Road. The first and second floors would each accommodate 10 flats including 5 affordable units (3 one-bed and 2 two-bed) with a further 10 flats on the 4th floor. The 5th floor would have three flats within the tallest part of the building nearest to the junction. The "intermediate" flats are indicated to be provided on the 1st, 2nd and 3rd floors - two on each floor.

Amenity space is proposed in the form of balconies (12 units at the rear on 2nd, 3rd and 4th floors), terraces (for the three 5th floor units) and communal amenity decks (714 sq m in total) at roof level and above part of the basement car park.

It is proposed that the walls would be mainly finished in Yellow facing brick and white render to match the existing adjacent development with feature dark blue "Hardie Plank" cladding panels on the chamfered corner as the building turns the junction. The entrance area would be fully glazed.

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.

The site has an 'Employment - Office' allocation in the Replacement Local Plan (RLP). The following RLP policies are of relevance when considering this application:-

- o CP1 General development criteria
- o CP2 New development and sustainable transport choices
- o CP3 Transport Assessments
- o CP4 The provision of infrastructure and community facilities
- o H6 Small unit accommodation
- o H8 Affordable housing larger sites
- o H15 Housing densities
- o E2 Areas allocated for Office purposes
- o T3 Travel Plans
- o T4 New development and highway considerations
- o T5 Traffic management
- o T7 Parking (general)
- o T16 Cycling
- o T17 Pedestrian facilities
- o LT5 Provision of open space in new developments

3. <u>Relevant History –</u>

Overview

The application site has been the subject of a number of proposals for business and mixed use development accommodated within buildings of a similar scale to that now proposed.

The site forms part of a larger site (including the now developed Brunel House). That site was the subject of a number of applications but the most relevant to this proposal was planning permission ref BRW/989/2005. The permission was for a four and five storey building containing 81 residential flats and a six storey office building together with associated parking. The residential part of that development has been built (Brunel House) but the employment element was not commenced.

The permission included a condition (condition 10) requiring the completion of the office accommodation within a fixed time period. Applications have been submitted to extend that period and permission was most recently granted in March 2014 allowing three years from that date to complete the building.

In 2011 an application (ref 11/01195/FUL) was submitted on the current application site for a mixed use development comprising 24 Residential Units, 1270 sq m of B1 office space, 547 sq m of A1 retail space and 115 sq m of D1 creche space, together with associated car parking (comprising 61 spaces) and vehicular access from Station Approach. That application was approved on 3 September 2013. The

permission established the principle of residential development on this site but there remained an element of employment uses.

The most relevant proposals are:-

BRW/989/2005 - mixed use development comprising four and five storey building containing 81 residential flats, a six storey office building (2,995sq.m. net internal floor area), together with associated car parking (comprising 59 office and 43 residential car parking spaces) and vehicular access from St James Road and Station Approach - approved subject to conditions and following completion of S106 Agreement.

BRW/149/2009 - variation of condition 10 of planning permission BRW/989/2005 to extend the period for the completion of the office building from 18 months to 48 months from the occupation of the first residential flat (December 2007) – Approved.

BRW/384/2010 - proposed 71no. dwellings (32no. one bedroom flats and 39no. two bedroom flats) and associated vehicular access from St James Road, car park, cycle store and bin store. Refused.

BRW/1/2011 - variation of condition 10 of planning permission reference BRW/ 989/2005 in order to extend the period for the completion of the office building. Approved subject to the office building being completed within 36 months.

11/01195/FUL - Mixed use development comprising 24 Residential Units, 1270 sq m of B1 office space, 547 sq m of A1 retail space and 115 sq m of D1 creche space, together with associated car parking (comprising 61 spaces) and vehicular access from Station Approach. Approved.

4. Neighbour Responses

Two letters of objection from residents of Brunel House.

No objection to principle, welcome the absence of employment uses but concerned about impact it will have on the area and surrounding properties. The inconsistent (from the adjoining property's perspective) and over-bearing height of the building will create a tunnelling effect down St James Road. If the proposed property was the same height and profile of the adjoining property (Brunel House) I would not consider this an overdevelopment, nor would it have the level of parking implications on the area, thus I would not be objecting.

Concerned that due to the height of the property it will block out a lot of natural light to Brunel House. Brunel House looks like it will be extremely overlooked by this new development. The St James Road elevation protrudes 1.25m from Brunel House so that its brickwork is in line with the end of the balconies. This is in deviation from the footprint on application 11/01195/FUL. This will mean that three properties (9, 19 and 29 of Brunel House) will have a significant reduction in natural light thus reducing quality of life for residents. Density would be 150 properties per hectare. This is significantly larger than the expected than >65 per ha the Local Plan Policy H14 expected in town centres, thus confirming my view that this is an overdevelopment. I would also dispute that St James Road is in Brentwood's town centre.

It is unreasonable for it to be presumed that it is acceptable for only 27 out of 45 flats (60%) to have a dedicated parking space, simply because the preceding overdevelopment was allowed to; this misjudgement by the planning committee cannot be allowed to continue as a 'precedent' for the area. I also wonder how many residents would take up the offer up of paying to park in the unsecure station car park overnight, knowing there is a greater chance of crime and the associated increase in insurance premium costs. I suspect most would try to use the already overcrowded on-street parking. With additional cars trying to park in St James Road, emergency vehicles will struggle to access emergencies. Concerned about anti-social impact additional development will bring to the area. For example, today I was informed that the management agency of Brunel House are moving the bike store due to security concerns.

5. <u>Consultation Responses</u>

• Highway Authority:

Transport Statement; the highway authority is satisfied that the number of trips generated by the proposals would be lower than the previously consented application. Consequently, we would have no objection in terms of highway impact.

Parking standards for residential developments of this type indicate the provision of a minimum of 72 spaces plus 11 further spaces for visitors. However, the standards also indicate that a reduction may be considered for urban locations. This site is clearly urban in nature with excellent public transport facilities nearby. It may therefore be reasonable for Brentwood, as the parking authority, to apply lesser standards for a location such as this. Whilst we note that car parking space no 26 is slightly substandard, we would generally consider the proposal to be satisfactory.

• Environmental Health & Enforcement Manager:

No objections. There is a car park in the basement and there is no need for the normal contaminated land conditions.

• Essex & Suffolk Water:

The Company have no objection to the proposed development.

• Anglian Water Services Ltd:

No reply at time of writing report.

• Arboriculturalist:

No reply at time of writing report.

• National Grid:

No reply at time of writing report.

Housing Services Manager:

No reply at time of writing report.

• Schools, Children Families Directorate:

Prior to the implementation of the revised CIL regulations on 6th April the Council would have sought a developer contribution for additional primary school places; however the CIL regs restrict the "pooling" of contributions and therefore no contribution is now sought. There will be sufficient secondary school places to accommodate the secondary aged pupils that would be produced by this development.

• Historic Buildings Conservation & Design Consultant:

The proposed development site is located at the junction of St James Road and Station Road Brentwood. New developments to the west include Brunel House (four storeys) and to the north is situated the post modern estate of Railway Square. Site visits evidence this location which is at the south of the town is of varied character with no strong established narrative.

Having assessed these proposals within this varied context and with reference to the extant permissions, I raise no objections in respect of the massing proposed. The site can take the weight of form given the developments in the immediate vicinity and the wider context.

Looking at the elevational treatment proposed, I advise the vertical emphasis of the fenestration and cladding with trailing greenery will facilitate in breaking up the visual impact of the massing; in addition creating interest. This controlled punctuation as part of the architectural treatment demonstrates consideration in design which given the town centre location is an important consideration.

My concerns at initial assessment stage related to the strength of the architectural treatment at the apex of St James Road and Station Road. Given the prominence of the proposed massing and the visibility of the corner junction from the principal thoroughfare of Kings Road; concerns were discussed with the project architect. Consequently design revisions have been submitted (see drawings, 1284:103 REV P05; 1284:113 REV P5; 1284:112 REVP5).

Having assessed these revisions as part of this application I advise the design has improved further resulting in a stronger façade treatment. The revisions include at step back at the pinnacle of the development which is accentuated through the extended wrap around balcony. To ensure the design intent is achieved, I advise Conditions relating to materials/landscape and fenestration are applied; I recommend the following are included:

- Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Works shall not be commenced until a sample panel of 1 square metre minimum shall be erected on site to show areas of new exterior walling, this panel shall indicate: brick bond, copings, mortar mix, colour and pointing profile.
- Development shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority.

Summary:

Having assessed the proposals I raise no objections on Design grounds.

6. <u>Summary of Issues</u>

Principle of residential development

The Council does not have a five year (+5%) supply of deliverable housing land and therefore its policies as regards the supply of housing land are not up-to-date. In these circumstances paragraph 14 of the Framework indicates that permission (for sustainable development) should be granted unless any adverse effects of doing so would significantly and demonstratively outweigh the benefits when assessed against the policies in the Framework as a whole.

Paragraph 22 indicates that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Paragraph 22 goes on to indicate that "land allocations should be regularly reviewed" and "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

In response to the loss of employment land the original permission for the redevelopment of the "NV Tools" site included a substantial amount of employment floorspace. The residential floorspace within that redevelopment was completed in 2008; however despite some interest the land owners were unable to find a market for the employment element. After four years an amended proposal was submitted for a mixed use scheme including both residential and employment uses. Permission was granted in September 2013 (ref 11/01195/FUL) but the owners have been unable to find occupiers for the employment floorspace.

The applicant has appointed independent surveyors (Glenny LLP) to carry out an employment market review and this is included with the application. The study analyses the office market in Essex and Brentwood and also considers alternative commercial uses (including ground floor retail). It is concluded that there is little if any effective demand for the employment space on the site and that the costs of development of the scheme including the employment element would not be recovered through revenue.

The applicant indicates that 24% of the units could be provided on an affordable basis; however in order to secure the development of the site the applicant is prepared to accept a reduction in developer's profit to provide 35% of the units as affordable housing in line with the Local Plan.

The proposal would result in an addition 21 units over and above the permitted scheme with the number of affordable units increasing from 8 to 16. The site has been empty for many years and the applicant indicates that in the event of permission being granted it would be in a position to proceed with the development.

Taking account of the marketing evidence and the assessment by Glenny it is considered unlikely that the site would be developed in the foreseeable future to include employment uses. In the context of the current shortfall in housing land the additional dwellings arising from this proposal as compared with the 2013 permission is of significant benefit, as is the provision of 16 affordable units.

The proposal would conflict with RLP Policy E2; however in the light of Paragraph 14 the principle of the development must be determined in the context of the Framework as a whole. It is considered that the benefits arising from the additional housing would not be significantly outweighed by any adverse effect of not developing the site for employment purposes and therefore, in principle, permission should be granted.

Density of development and housing mix

Local Plan Policy H14 states that residential densities will be expected to be no less than 30 dwellings per hectare and that within town and district centres densities in excess of 65 dwellings per hectare will be expected. This proposal of smaller units within the urban area would have a density of about 300 dwellings per hectare. Provided that other aspects of the proposal are acceptable this would represent an efficient use of this site which is within a highly sustainable location close to local facilities, employment and public transport routes. All of the proposed flats would be 1 and 2 bedroom units and therefore the proposal would accord with RLP Policy H6.

Policy H9 of the Local Plan states that on larger sites of 20 units or more the Council will seek to ensure that 35% of the dwellings are "affordable housing". 35.5% of the dwellings proposed here (16 in all) are described as "affordable" or "intermediate". The Housing Officer indicates that this proposal would meet a local need for affordable housing. The application indicates that the affordable homes would be secured through a S106 Agreement. No draft has been submitted but subject to a mechanism to ensure delivery through a planning obligation the proposal would accord with Policy H9. It would also accord with Chapter 6 of the NPPF which encourages the delivery of a wide choice of high quality homes, seeks to widen opportunities for home ownership and aims to create sustainable, inclusive and mixed communities.

Character and appearance

The position and massing of the proposed building is similar to the permitted schemes. The building would occupy most of the site but the drawings indicate an opportunity for planting on each of the road frontages. It is indicated that planting will be trained up the face of the building on a wire grid to mask the parking beyond. It is considered that the detailing of the exterior of the proposal is an improvement in the 2013 permission. The design consultant considers that the proposal is acceptable for this site and it is considered that it would accord with RLP Policy CP1. It would also be consistent with one of the core principles of the Framework which indicates that planning should always seek to secure high quality design.

Living conditions of nearby residents

Whilst there are variations in the design and detail the overall bulk and massing of the proposal follows the principles of the previous (and extant) permissions. It is inevitable that any building of this scale would change the outlook from nearby properties and that within a development of this type there would be a degree of inter-visibility between windows and balconies; however in this case directly opposing windows would be more than 40m apart. The relationship between the buildings as now proposed is similar to that of the two approved developments.

Specific concern has been expressed about the relationship between the front wall of the proposal facing St James Road and the front wall of Brunel House. In the original permission (BRW/989/2005) the front walls were on the same line but in the later permission the front of the building on the application site was set forward of Brunel House. In the current application the wall would be 0.7m in front of the wall of Brunel House in a similar position to that approved in 2013 (ref 11/01195/FUL). However it would be off-set from the glazed doors and it would not infringe a line at 45 degrees from the edge of the doors. The top floor of Brunel House is set back and therefore the flank wall of the proposal would extend further beyond it. It is estimated that the wall would not infringe a line drawn at 45 degrees from the centre of the top floor window. The wall would be a dominant presence alongside the top floor balcony; however it would not be as high as that previously permitted and taking account of the full aspect from the window and balcony it would not unacceptably detract from outlook.

Talking account of the extant permissions it is considered that the proposal would not unacceptably detract from the living conditions of the occupiers of nearby residential properties. It would therefore be consistent with RLP Policy CP1 and with one of the core principles of the Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of buildings.

Living conditions of occupiers of the proposal

Flat sizes - The Council has not adopted the recently published Housing - Optional Technical Standards; however those standards represent a useful yardstick for the assessment of the size of new dwellings. The proposed flats all exceed the minimum gross floorspace indicated by the guidance for 2 person one-bed units and three-person two-bed units. Seven of the two-bed units would exceed the guideline for four person units.

Amenity space - Three different types of amenity space are proposed for the development. The 2nd, 3rd and 4th floor rear-facing flats would all have balconies. These would be less than the 5 sq m recommended by the Essex Design Guide (EDG) but would allow the occupants to sit outside the flats. The three largest flats on the fifth floor would each have a private terrace. All flats would have access to a top floor 361 sq m roof garden (accessed by lift and staircase) and a first floor 353 sq m deck. This would be accessed by a long (39 step) staircase from the Station Road frontage or by the lift. The 1st floor flats have full height inward-opening glazed doors onto the deck but direct access would be prevented by "Juliette" balconies.

Overall 30 units would be reliant upon the decks to provide communal amenity space. This equates to 24 sq m per unit, which is marginally below the 25 sq m per flat recommended in the Essex Design Guide. The benefit of the decks would be reduced by the access arrangements and, as regards the first floor deck, the proximity of the deck to the windows in the flats. However subject to appropriate detailing and planting the amenity decks could provide attractive and useable outside space. Taking account of the pressure for the provision of housing within the Borough it is considered that the amenity space proposed within the development would be sufficient.

Subject to the measures indicated above it is concluded that the proposal would be consistent with the objectives of RLP Policy CP1 and one of the core principles of the Framework which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of buildings.

Highways issues and parking

Traffic generation - The highways authority raises no objection to the proposal.

Car parking - 28 parking spaces (including 6 disabled) will be provided. Parking standards for residential developments of this type indicate the provision of a minimum of 72 spaces plus 11 further spaces for visitors. However, the standards indicate that reductions may be considered if the development is within an urban area that has good links to frequent and extensive public transport with easy access to employment and local shops and services. The appeal site has an extremely high accessibility to sustainable transport and local facilities and it is therefore considered reasonable to allow for a reduced number of off-street parking spaces.

In dismissing an appeal at Potential House, Kings Road (ref APP/H1515/A/14/ 2210935 dated 31 July 2014) the Inspector concluded that the absence of car parking (resulting in a deficiency of 8 spaces) would be likely to result in the occupiers of flats seeking to park on the street. He referred to the existing competition for on-street parking spaces and indicated that the existing parking pressures during the evenings and weekends would be exacerbated. He concluded that this would increase the risk of illegal parking in those roads and add unacceptably to the risk of harm to highway safety.

The extant permission generates a need for a minimum of 44 parking spaces for the residential element. That proposal included 27 spaces for the flats and in addition the applicant offered to provide parking permits for the Brentwood Railway Station car park for some of the residents (which was secured through a planning obligation). In line with that proposal the applicant indicates that, through a planning obligation,18 off-site parking spaces would be made available through the purchase of parking permits to enable parking at the nearby station car park. In addition the applicant indicates that a car club scheme could be set up for use by residents of the proposal.

Application of the full parking standard would result in a deficiency of 44 spaces and it is considered that this number of cars could not be reasonably accommodated on the nearby residential streets. Taking account of the nature of the units and their highly accessible location it is considered that it would be reasonable to base the assessment of parking on one space per unit; however this would still result in a deficit of 17 spaces. In this respect the proposal would be similar to the extant permission; however the deficiency in that scheme was based on the full standard.

The provision of parking for cycles and powered two wheelers is in accordance with the adopted standards.

When considering the previous proposal the Essex Fire and Rescue Service indicated concern about problems being experienced by emergency vehicles gaining access to scenes of incidents along St James Road and Rollason Way due to the volume of vehicles parked along St James Road. In that proposal the Highways Officer recommended that the Traffic Regulation Order (TRO) relating to the opposite side of St James Road could be amended to extend the existing double yellow lines as far as an existing lay-by. This would prevent on-street parking on both sides of St James Road in this area which was the main cause of access problems for the emergency services. However the planning obligation included no requirement for a TRO and the Highways Authority response gives no indication that a TRO is necessary.

Conclusion on highways and parking - Paragraph 39 of the Framework indicates that if setting local parking standards local planning authorities should take account of a number of factors including the accessibility of the development, the availability of and opportunities for public transport and local car ownership levels. On 25 March 2015 the Secretary of State for Communities and Local Government indicated that paragraph 39 should be read in conjunction with the following text:-"Local planning authorities should only impose local parking standards where there is a clear and compelling justification that it is necessary to manage their local road network". The preamble to that text referred to issues arising from the use of maximum standards and indicated that the market is best placed to decide if additional parking spaces are to be provided. However those comments do not appear in the Framework text.

It is considered that there is a compelling justification for the requirement to provide off-street parking in this location and local parking standards are therefore necessary. The issue for determination is the amount and method of provision of parking in this highly accessible urban area where the standard allows for flexibility.

The management of the road network is a matter for the Highways Authority and in this case that authority raises no objection to the proposal. It is therefore considered that, taking account of all factors, the parking measures proposed (including off-site provision) are acceptable.

Public open space

RLP Policy LT4 indicates that new residential development should make provision for public open space that is made necessary by and is fairly and reasonably related to the proposed development. Appendix 5 of the RLP indicates that developers of sites of 20 to 50 units would normally be required to provide a LAP either on or offsite and make a financial contribution towards a LEAP and a NEAP. The nature of the proposed development (in common with the extant 2013 permission) would not allow for an on-site LAP and in would therefore be reasonable to expect the applicant to undertake to make such payments as part of a pool of funding for play facilities.

However from 6 April 2015 pooling contributions for infrastructure projects are restricted. Regulation 123(3)(b)of the Community Infrastructure Levy (CIL) Regulations only allows contributions for any particular type of infrastructure or for a specific infrastructure project to be sought from up to five planning obligations that have been entered into on or after 6 April 2010. This number has already been exceeded for public open space in Brentwood. Planning Practice Guidance indicates that once the five obligation limit has been reached, any further planning obligations in respect of a type of infrastructure can no longer constitute a reason for granting planning permission. It goes on to indicate that once the five obligation limit is reached "no more (pooled contributions) may be collected". Therefore, it is clear that Councils are expected not to seek to enforce such obligations. A requirement to make a contribution in this case would be contrary to government policy and should therefore not be sought.

Other considerations

Archaeology

The assessment submitted with the application indicates that the proposal is unlikely to have a significant archaeological impact. Based on the advice of Essex County Council received as part of a previous application (reference BRW/384/2010) a requirement for archaeological investigation or recording is not necessary.

Waste management

The application indicates that the waste storage layout (prepared with guidance from the waste and refuse department at Brentwood Council) provides more than the required level of refuse bins and includes the largest bins. It demonstrates that there is provision for general waste and recycling with room to accommodate further separation should the Local Authority introduce it in the future.

Energy usage

The Energy Statement indicates that the overall energy efficiency specification of the proposal would significantly improve on the requirements of Part L1A 2010. The proposal demonstrates that all units will achieve a reduction in Dwelling Emission Rates of 11.40% better than a Part L 2010 baseline.

Conclusion

As a consequence of the shortfall of identified housing land the proposal must be judged against the policies within the Framework. The proposed dwellings would be well designed and in a highly sustainable location. The standard of accommodation would be acceptable and the proposal would not unduly affect the amenities of nearby residents. The proposal would make a significant contribution to housing and affordable housing in the Borough. The development of the site would result in considerable investment which would boost the local economy. For all of these reasons the proposal would accord with the social, economic and environmental dimensions of sustainable development.

Paragraph 14 of the framework indicates that, unless any adverse effects of doing so would significantly and demonstratively outweigh the benefits, sustainable development should be granted permission. Whilst in a number of respects the proposal does not satisfy the adopted local policies and guidelines it is considered that those deficiencies would not significantly outweigh the benefits and that permission should be granted.

The permission should be subject to the conditions set out below and a planning agreement in respect of:- a) the provision of 16 affordable residential units and b) the provision of 18 parking permits for period of three years in the nearby railway car park.

7. <u>Recommendation</u>

The application be APPROVED subject to completion of a Section 106 Agreement and 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 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: Taking account of the character of the area including nearby residential and business uses the method of carrying out the development is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful to the living conditions of nearby residents, the safety and convenience of highway users and the character and appearance of the area during the construction period. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

3

No development above ground level shall take place until details and samples, where necessary, 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. The details submitted shall include:-

- drawings showing details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate.
- a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority
- a sample panel of 1 square metre minimum shall be erected on site to show areas of new exterior walling, this panel shall indicate: brick bond, copings, mortar mix, colour and pointing profile

The development shall be carried out in accordance with those approved details.

Reason: In order to safeguard the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

4 U10096

Prior to occupation of the proposed development, the first occupiers of each of the flats hereby permitted shall be provided with a Residential Travel Information Pack for sustainable transport, with information covering local public transport travel and including six one day travel vouchers for use with the relevant local public transport operator, within one month of their occupation of their dwelling. Details of the Residential Travel Information Pack shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings hereby permitted.

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

5 U10097

Prior to occupation of any flat the vehicle parking area, including the provision of car, motor cycle and bicycle parking facilities, shall be completed as indicated on the approved drawings. The vehicle parking area shall thereafter be retained in this form and shall not be used for any purpose other than the parking of vehicles associated with the residential occupation of the building.

Reason: To ensure that appropriate parking is provided in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005 in the interests of highway safety and the encouragement of the use of sustainable methods of transport.

6 U10099

No development above ground level shall take place until details of the two amenity decks have been submitted to and approved in writing by the local planning authority. Those details shall include the layout, surface treatment, planting arrangements and any seating or other fixtures. The decks shall be laid out as approved prior to the first occupation of any flat and shall thereafter be retained as approved for use by the occupiers of the flats.

Reason - To ensure the provision of amenity space for the occupiers of the flats in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

7 U10100

No development above ground level shall take place until a landscaping scheme to include details of all surfacing materials, measures to support climbing plants and specification of plant species on the three road frontages of the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or climbing plant 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 the interests of the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

8 U10101

The building hereby permitted shall be equipped with a communal TV and radio aerial and satellite dish prior to the first beneficial use. Details of the size, external appearance and the position shall be previously submitted to and agreed in writing with the Local Planning Authority prior to the installation of such systems. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no other satellite dishes or aerials shall be fixed to the building hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with Policy CP1 of the Brentwood Replacement Local plan 2005.

9 U10102

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

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

10 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.

Informative(s)

1 U02376

Reason for approval: The proposal would not fully accord with the provisions of the Adopted Brentwood Replacement Local Plan; however as a consequence of the shortfall of identified housing land the proposal must be judged against the policies within the National Planning Policy Framework. It is considered that the proposal would represent sustainable development as defined by the Framework and that the benefits of permitting the development would not be significantly and demonstratively outweighed by any adverse effects arising from it. Therefore in accordance with paragraph 14 of the Framework permission should be granted. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 U02378


The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, CP2, CP3, CP4, H6, H8, H15, E2, T3, T4, T5, T7, LT5, the National Planning Policy Framework 2012 and NPPG 2014.

3 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.

BACKGROUND DOCUMENTS

DECIDED:



Title: LAND FORMERLY KNOWN AS NV TOOLS, ST JAMES ROAD, BRENTWOOD

15/00142/FUL

Scale 1:1250 at A4

Date 23rd June 2015

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



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Members Interests

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

• What are pecuniary interests?

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

• Do I have any disclosable pecuniary interests?

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

• What does having a disclosable pecuniary interest stop me doing?

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

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

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

• Other Pecuniary Interests

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

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

• Non-Pecuniary Interests

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

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

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

Planning and Licensing Committee

Planning

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

(i) determination of planning applications;

(ii) enforcement of planning control;

(iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

(i) determination of applications for Listed Buildings and Conservation Area consent;

(ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

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

(b) To carry out the duties and powers of the Council under current legislation;

(c) To develop, implement and monitor the relevant strategies and polices relating to the Terms of Reference of the committee.

(d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

(e) To consider and approve relevant service plans;

(f) To comply with the standing orders and financial regulations of the Council;

(g) To operate within the budget allocated to the committee by the Council.

(h) To determine fees and charges relevant to the committee;

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

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

Licensing

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

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

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

(d) To exercise all other functions relating to licensing and registration including i. Trading Requirements.

ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

iii. Animal Welfare and Security.

iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing.

v. Sex establishments (including Sex Entertainment Venues (SEV)).

vi. Pavement Permits.

vii. Charitable Collections.

viii. Camping, Caravan Sites and Mobile Homes.

ix. Scrap Metal.

x. Game Dealers.

(e) Any other matters relating to licensing as may be referred to the committee for consideration.

(f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.

(g) To manage and monitor the budgets in respect of licensing and vehicle licensing.