



Agenda

Planning and Licensing Committee

Tuesday, 19 January 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum-4)

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

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		7 - 22
3.	Street Trading and Market Policy Review	All Wards	23 - 42
4.	114 ORCHARD AVENUE BRENTWOOD ESSEX CM13 2DP REMOVAL OF CONDITION 4 (NO HEATING/COOKING EQUIPMENT SHALL BE USED ON PREMISES) OF APPLICATION 15/00145/FUL (CHANGE OF USE FROM MOTOR SPARES SHOP (RETAIL) TO CAFE (FOOD OUTLET)). APPLICATION NO: 15/01341/FUL	Brentwood South	43 - 50
5.	THE BRENTWOOD TRAINING CENTRE ESSEX WAY WARLEY ESSEX CM13 3AX	Warley	51 - 86

DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF 50 RESIDENTIAL DWELLINGS, (10 HOUSES AND 40 FLATS) INCLUDING AFFORDABLE HOUSING, IN BUILDINGS EXTENDING TO BETWEEN TWO AND FOUR STOREYS IN HEIGHT, TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING AND INFRASTRUCTURE WORKS.

APPLICATION NO: 15/01379/FUL

6. 3 CLIVEDEN CLOSE SHENFIELD ESSEX CM15 8JP Shenfield 87 - 94

FIRST FLOOR FRONT EXTENSION, HIPPED ROOF TO REPLACE FLAT ROOF, THREE DORMERS TO REAR AND REMOVAL OF THE CHIMNEY. PART TWO STOREY AND SINGLE STOREY REAR EXTENSION TO INCLUDE ROOFLIGHTS.

APPLICATION NO: 15/01393/FUL

7. LAND ADJACENT ROSNEATH HUNTERS CHASE HUTTON ESSEX CM13 1SN Hutton East 95 - 108

PROPOSED 3 BEDROOMED DWELLING.

APPLICATION NO: 15/01444/FUL

8. Urgent Business- Article 4 Directions for Barrack Wood Warley 109 - 130

Head of Paid Service

Town Hall
Brentwood, Essex
11.01.2016

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

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

Access to Information and Meetings

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 published. Dates of the meetings are available at www.brentwood.gov.uk.

Webcasts

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).

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.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

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

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

Private Session

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

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Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

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

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Minutes

Planning and Licensing Committee Tuesday, 1st December, 2015

Attendance

Cllr McCheyne (Chair)	Cllr Newberry
Cllr Trump (Vice-Chair)	Cllr Pound
Cllr Barrell	Cllr Tee
Cllr Carter	Cllr Wiles
Cllr Cloke	
Cllr Morrissey	
Cllr Mynott	

Apologies

Cllr Reed

Substitute Present

Cllr Murphy (substituting for Cllr Reed)

Also Present

Cllr Faragher	
Cllr Hossack	
Cllr Poppy	
Cllr Rowlands	
Cllr Foan	West Horndon Parish Council

Officers Present

Gordon Glenday	Head of Planning & Development
Claire Hayden	Governance and Member Support Officer
Karen O'Shea	Governance and Member Support Officer
David Carter	Senior EHO (Team Leader)
Philip Drane	Planning Policy Team Leader
Helen Gregory	Interim Head of Housing
Alan Marsh	Arboricultural Assistant
Paulette McAllister	Design & Conservation Officer
Christine Stephenson	Planning Solicitor
Stephen Blake	Environmental Health Officer

236. Apologies for Absence

Apologies were received from Councillor Reed, Cllr Mrs Murphy was substituting.

237. Minutes of the Previous Meeting

The Minutes of the Planning and Licensing Committee 3rd November 2015 were agreed and signed by the chair as a true record.

238. Authority Monitoring Report: Housing

Each year the Council publishes an Annual Monitoring Report (AMR). This sets out how the Borough's planning policies have been implemented over the previous financial year and monitors progress on the preparation of documents as set out in the Council's Local Development Scheme timetable.

Regulations specifying the content and frequency with which the Annual Monitoring Report must be published have changed. Local planning authorities now have more flexibility when monitoring, no longer needing to wait annually until publishing information. This coincides with a change of name to "Authorities Monitoring Reports", reflecting the fact that information can be published as and when it becomes available.

A residential monitoring update has been prepared with information relating to residential completions for the period 1 April 2014 to 31 March 2015. This update forms the first of what will be a series of updates each reporting on different monitoring issues, which together will form the Council's Monitoring Reports.

A motion was **MOVED** by Councillor McCheyne for approval of the recommendations and was **SECONDED** by Councillor Trump

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** to:

- 1. Approve the Housing chapter of the Authority Monitoring Report 2014/15, as set out in Appendix A.**
- 2. To approve the new approach to monitoring data, publishing information once it becomes available as part of the Council's Authority Monitoring Report and in a variety of formats online.**

REASON FOR DECISION

Publication of the Housing chapter for the Authority Monitoring Report 2014/15 allows information on residential completions in the Borough to be shared with the local community, as well as other related information. It also

meets the monitoring requirements set out in the Town and Country Planning Regulations 2012, as amended by the Localism Act 2011.

Unlike previous Annual Monitoring Reports published each year, Authority Monitoring Reports can provide up to date information on specific issues as and when it becomes available. This allows for greater transparency and up-to-date feedback.

In addition to publishing monitoring information in usual formats, such as a PDF document on the Planning pages of the Council's website, using the DataShare site will help meet the Council's commitment to being open and transparent. Planning monitoring data will be freely available to view and download in a variety of formats.

239. HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX

CHANGE OF USE OF EXISTING GRADE II* LISTED HOUSE AND GROUNDS TO WEDDING AND EVENTS VENUE WITH FORMATION OF ASSOCIATED CAR PARK AND CONSTRUCTION OF SEASONAL MARQUEE.

APPLICATION NO: 15/00755/FUL

The chair informed the committee that both the reports on Hutton Hall were to debated together, however voting on each item was undertaken separately.

Mr Sykes was present and addressed the committee in objection to the applications.

Ms Keynon, Hutton Preservation Society, was present and addressed the Committee in objections to the applications.

Mr Wilson, a resident of Hall Green Lane was present and addressed the Committee in objections to the applications.

Mr Pryor, the Agent was also present and addressed the Committee in support of the application.

Members raised concerns over the 111 letter of objection that had been received against the application relating to the impact on Green belt, noise, disturbance and the Historic Grade 2 building.

A motion was **MOVED** by Councillor Trump and **SECONDED** by Councillor Cloke and the application was approved.

For: Cllrs Barrell, Tee, Pound, Wiles, Cloke, Trump and McCheyne
(7)

Against: Cllrs Carter, Morrissey, Mynott and Newberry (4)

Abstain: Cllrs Murphy (1)

RESOLVED that planning permission is approved subject to conditions delegated to the Head of Planning in consultation with the Chair of Planning and Licensing Committee.

(All Members of the committee declared a non pecuniary interest in the virtue of knowing a relative of the applicant)

240. HUTTON HALL HUTTON VILLAGE HUTTON ESSEX CM13 1RX

ALTERATIONS TO THE GRADE II* LISTED BUILDING AND GRADE II LISTED WALLED GARDEN TO FACILITATE THE CHANGE OF USE OF EXISTING GRADE II* LISTED HOUSE AND GROUNDS TO A WEDDING AND EVENTS VENUE AND CONSTRUCTION OF SEASONAL MARQUEE.

APPLICATION NO: 15/00756/LBC

A motion was **MOVED** by Councillor Trump and **SECONDED** by Councillor Cloke and the application was approved.

For: Cllrs Barrell, Tee, Pound, Wiles, Cloke, Trump and McCheyne (7)

Against: Cllrs Carter, Morrissey, Mynott and Newberry (4)

Abstain: Cllr Murphy (1)

RESOLVED that planning permission is approved subject to conditions delegated to the Head of Planning in consultation with the Chair of Planning and Licensing Committee.

(All Members of the committee declared a non pecuniary interest in the virtue of knowing a relative of the applicant)

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

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

APPLICATION NO: 15/01084/FUL

Ms Ngo was present and addressed the committee in objection to the application.

Mr Wood was also present as the applicant and spoke in support of the application.

Members raised concerns over parking issues and whether a better use would have been for office space instead of housing.

A motion was **MOVED** by Councillor Wiles and **SECONDED** by Councillor McCheyne that the application be approved.

For: Cllrs Barrell, Tee, Murphy, Pound, Wiles, Cloke, Trump and McCheyne. (8)

Against: Cllrs Carter, Morrissey, Mynott, Newberry (4)

Abstain: (0)

RESOLVED that planning permission is approved subject to completion of a Section 106 agreement as set out in the officer's report and 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 U11451

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 U11452

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 U11453

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 U11454

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 U11455

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 U11456

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 U11457

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 U11458

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.

11 U11459
Development shall not commence until a drainage strategy detailing any on-site and/or off-site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. It is essential that the measures are submitted and approved before commencement because the drainage measures are likely to be implemented at the outset of the development.

12 U11460
Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the surface water discharge from the site is not detrimental to the existing sewerage system or highway safety. It is essential that the measures are submitted and approved before commencement because the drainage measures are likely to be implemented at the outset of the development.

13 U11461
Prior to occupation of the development, the east facing vehicular access as shown in Drawing no 1284:112 rev P5 shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.8m, shall be retained at that width for 10m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Headroom at the vehicle entrance and within the parking area shall be a minimum of 2.1m

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

14 U11462

d) Prior to occupation of the development, the north facing vehicular access as shown in Drawing no 1284:113 rev P5 shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.1m, shall be retained at that width for 20m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Headroom at the vehicle entrance and within the parking area shall be a minimum of 2.1m.

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

242. GARAGES WAINWRIGHT AVENUE HUTTON ESSEX

DEMOLITION OF EXISTING GARAGES/LOCK UPS AND CONSTRUCTION OF 4 X 1 BED BUNGALOWS FOR OVER 65'S.

APPLICATION NO: 15/01376/FUL

Ms Gregory, the Application was present at the meeting and spoke in support of the application.

A motion was **MOVED** by Councillor McCheyne and **SECONDED** by Councillor Mynott for approval of the application.

For: Cllrs Barrell, Tee, Murphy, Pound, Wiles, Cloke, Trump and McCheyne, Morrissey, Mynott and Newberry (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY that planning permission is approved subject to 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 U11491

Notwithstanding the details indicated in the application, no development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have

been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

3 U11492

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
- viv. external lighting

Reason: In the interests of highway safety, visual and neighbour amenity. These details are required prior to the commencement of the development as they are fundamental to the proposal hereby approved.

4 SIT02 Site levels - as illustrated

The relationship between the height of the building hereby 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.

5 U11493

The surfacing materials of the accessway, driveways and parking areas shall be of a permeable construction or shall be designed to direct run-off surface water to a permeable area within the site.

Reason: In order to prevent surface water flooding in the area.

6 U11494

No development shall take place above ground level 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 U11495

Notwithstanding the submitted details, no development above ground level shall be carried-out 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 existing and future occupiers.

8 U11496

Should any contamination be found, the contamination shall be reported immediately to the local planning authority and construction of the development shall cease immediately. The site shall then be assessed in accordance with Essex Contaminated Land Consortium's 'Land affected by Contamination (2nd Edition)' and a remediation scheme submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority before construction of the development hereby approved re-commences.

Reason: In the interests of human health and prevent of pollution of the water environment.

9 U11503

No development shall take place until a site layout has been submitted to and approved in writing by the local planning authority which includes a minimum of five vehicular parking spaces with minimum dimensions of 2.9 metres x 5.5 metres and with a minimum 6m aisle behind each space. The development shall be carried out in accordance with the approved details and the approved parking spaces shall be provided prior to the occupation of any of the dwellings hereby permitted.

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

10 U11504

No development shall place above ground level until details of cycle parking for the new dwellings has been submitted to and approved in writing by the local planning authority. The facility shall be secure, convenient, covered, provided prior to occupation and retained at all times.

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

11 U11505

Prior to the occupation of the proposed development, the developer shall provide a Residential Travel Information Pack for sustainable transport, to the occupier of each dwelling. Details of the pack shall have the prior written consent of the local planning authority.

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

12 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 including the Arboricultural Report dated 26 November 2015.

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

(Cllr Carter declared a non pecuniary interest under the Councils Code of Conduct by virtue of his involvement in this application as the previous chair of the Housing Committee. Therefore, Cllr Carter left the Chamber and didn't take part in the debate or vote).

**243. LAND ADJACENT TO 12 AND 13 MAGDALEN GARDENS HUTTON
ESSEX**

CONSTRUCTION OF 3 NEW DWELLINGS.

APPLICATION NO: 15/01375/FUL

Ms Gregory was present as the applicant and spoke in support of the application.

A motion was **MOVED** by Councillor McCheyne and **SECONDED** by Councillor Mynott for approval.

For: Cllrs Barrell, Tee, Murphy, Pound, Wiles, Cloke, Morrissey, Mynott, Newberry, Trump and McCheyne (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY that the application was approved subject to an additional condition regarding landscaping at the rear of the development and 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 U11436

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

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

4 U11437

The first floor bathroom windows shall be:-

a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

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

5 U11438

No development above ground level shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved prior to the first occupation of the dwellings hereby permitted. 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.

6 U11439

The surfacing materials of the driveways and parking areas shall be of a permeable construction or shall be designed to direct run-off surface water to a permeable area within the site.

Reason: In order to prevent surface water flooding in the area.

7 U11440

No development shall take place until a full stag beetle ecology report, including mitigation and compensation measures, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved report.

Reason: In the interest of preserving the protected species identified on site. This information is needed prior to the commencement of the development as it is fundamental to the development and without such a report being submitted to and approved in writing prior to the commencement of the works on the site it would have been necessary to refuse planning permission.

8 U11441

The proposed development shall not be occupied until the Developer has provided a Residential Travel Information Pack for sustainable transport, with information covering local public transport travel, to each proposed dwelling.

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

9 U11442

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities

- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity. This condition is needed prior to the commencement of the development as it is fundamental to the proposal hereby approved.

10 SIT02 Site levels - as illustrated
The relationship between the height of the building hereby 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.

(Cllr Carter declared a non pecuniary interest under the Councils Code of Conduct by virtue of his involvement in this application as the previous chair of the Housing Committee. Therefore, Cllr Carter left the Chamber and didn't take part in the debate or vote).

244. Urgent Business

There was no urgent business.

The meeting concluded at 10:05 p.m.

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19 January 2016

Planning and Licensing Committee

Street Trading and Market Policy Review

Report of: *Gordon Glenday – Head of Planning and Environmental Health*

Wards Affected: *All*

This report is : *Public*

1. Executive Summary

- 1.1 This report seeks Members agreement in principle on the review to the Street Trading and Market Policy and for the same to be released for consultation prior consideration of any representations and full adoption in April 2016.

2. Recommendation

- 2.1 **Members are requested to agree in principle the Street Trading and Market Policy as attached at Appendix A and to release it for consultation prior to reconsideration and final adoption in April 2016.**

3. Introduction and Background

- 3.1 Street Trading is governed under provision of the Local Government (Miscellaneous Provisions) Act 1982 (the Act).
- 3.2 Section 2(1) of the Act provides that a district Council may by resolution designate any street in their district as either a prohibited street, a consent street or a licence street. Designation as either a licence or a consent street is necessary in order to undertake any licensing or enforcement of stalls or markets.
- 3.3 Where any street is owned by a relevant corporation and/or is maintained by the Highways authority, their consent is required prior to the passing of any resolution along with notification to the Chief Officer of the Police and advertisement of the intention in a local newspaper.

- 3.4 The High street in Brentwood was designated as a licence street in August 2011. Since that time it has operated a successful weekly market, which has recently expanded from Saturday only trading to operating on both Friday and Saturday weekly.
- 3.5 In order to support the licensing of street trading the Council produced a Street Trading and Market Policy (the Policy), which outlines how the Council will carry out its functions with regard to street trading. It further sets out the expectations with regard to running a successful market, including the requirements of the Council on applicants and licence holders and contains certain protections for residents and other traders.
- 3.6 Currently, Brentwood High Street is the only area adopted as a 'licence' street in the borough. This adoption took place in the main to facilitate the market, which has the purpose (amongst other things) of increasing footfall to the Town Centre in order to support the local economy.
- 3.7 Whilst the policy only applies at this time to the High Street, it would equally apply to any other area of the borough, were it to be designated under the Act as a 'licence or 'consent' street.
- 3.8 Essex Farmers Markets (EFM) has been contracted to run the weekly market on both Friday and Saturday. EFM has full responsibility for setting up and dismantling the market, provision of the stalls, who may or may not trade at any given time (in line with requirements of the policy) and are the first line of control with regard to compliance with policy and licence conditions.
- 3.9 Where an applicant wishes to trade outside of the terms of the Council's policy or where an existing trader breaches policy or conditions of licence, this is a matter to be addressed by the Council and would normally be determined by a licensing sub committee, although some matters are delegated to officers.
- 3.10 Whilst the policy covers many aspects relating to the licensing of street trading, sections 3.5, 5.2. and 5.4 identify matters that would not normally be considered for a licence to trade.

4. Issues Options and Analysis of Options

- 4.1 The policy has been in place since 2012 and has served the Council well in so far as the market has operated successfully since its introduction to the High Street.
- 4.2 Notwithstanding the above, a policy should be updated from time to time to ensure that it remains current and fit for purpose and to reflect any changes to legislation or government guidance.
- 4.3 It has become apparent, given recent events that the policy in some areas (namely the paragraphs 3.5, 5.2 and 5.4) is restrictive to the point that a literal reading would disallow almost all types of goods that the market would wish to stock. This has led officers to interpret the policy broadly so as to allow a particular class of goods whilst restricting exact duplication i.e. in this example to allow clothing but to restrict any clothing that is sold by local shop traders.
- 4.4 Whilst one of the objectives of the policy is to complement existing retailer and not therefore to provide direct completion to them, it is evident that the policy needs to better clarify items that may or may not be sold. It has therefore been updated to provide this clarification and to reflect some other changes to guidance. The revised policy is attached at **Appendix A** and has been reproduced with tracked changes shown in order to provide clarity for Members.

5. Reason for Recommendations

- 5.1 The policy is some almost 4 years old and requires updating. As previously outlined there is certain clarification required and this has led to a need to update the policy to ensure that it is more easily understood and interpreted by all parties, including officers.
- 5.2 The policy must retain some flexibility in law to ensure that matters are always considered on merit. In other words the Council must not fetter its discretion in any individual case. For this reason, the exemptions in 3.5, 5.2 and 5.4 have been clarified. However, whilst these form the normal process of the Council, it is essential that there is flexibility for Members to divert from policy if evidenced that it is appropriate to do so.

6. References to Corporate Plan

- 6.1 The proposals contained within this report link directly to the following priorities of the corporate plan:

A prosperous Borough –

“Safeguarding public safety through a risk based regulation and licensing service.”

Street Scene and Environment –

“Develop effective partnership arrangements so all issues affecting neighbourhoods are delivered in a timely and efficient way”

Localism –

Encourage local businesses to invest directly in Brentwood’s communities”

7. Consultation

7.1 Members are requested only to agree the policy in principle at this time. Following agreement in principle, the policy will be consulted for 6 weeks to ensure that the views of residents, shop owners, market traders and the market operator and anyone else that may have an interest are taken account of.

7.2 Consultees will include:

- The Market Operator
- All known Market Traders (Brentwood High street)
- Brentwood High Street Shops (from Wilsons Corner up to and including both sides of the road to the Old Church ruins)
- Any complainants relating to the current trading issue (and any other complainants as may be identified prior to consultation)
- Essex County Council Highways authority
- The Chief Officer of Police
- Essex Fire and Rescue Service
- All Brentwood Borough Councillors

In addition a notice will be published on the Council website making it available for any resident to respond to the policy consultation.

7.3 Following consultation, the policy will be re-presented to members of this Committee on 12 April 2016, for consideration of any responses received with a view to final adoption.

8. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

Tel & Email: 01277 312542/ christopher.leslie@brentwood.gov.uk

8.1 None directly arising from this report.

Legal Implications

Name & Title: Chris Pickering, Principal Solicitor

Tel & Email: 07875 397767/ chris.pickering@BDTLegal.org.uk

8.2 This report seeks a reconsideration of the Council's Street Trading and Markets Policy; the first such reconsideration since its adoption in 2012. In response to recent events, the Council's Licensing department resolved to revise this policy and make the restrictions on goods that can and should be sold more certain, while retaining overall discretion for the Council on a case by case basis. The updated policy also mentions and considers recent (October 2014) Guidance from the Department for Business Innovation and Skills in setting reasonable conditions for Markets within the Borough to fall under.

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

8.3 There are no significant implications arising from agreement to the recommendations of this report.

9. Appendices to this report

Appendix A – Revised Street Trading and Market Policy

Report Author Contact Details:

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Street Trading and Market Policy

Introduction

This is the first review of the Street Trading and Market Policy, which was originally published in September 2012.

Brentwood Borough Council ~~has~~ introduced Street Trading into the High Street Brentwood in 2012, with the intention of creating which creates a vibrant atmosphere ~~in the town centre~~ for residents, local businesses, visitors and shoppers. ~~Street Trading will~~ The aim was to provide residents and shoppers with alternative products including specialist and niche items. The Brentwood High Street Market has expanded since its introduction from one day per week to two, in addition to which, enquiries are increasing received relating to other areas of the Borough. This policy has therefore been updated in order to continue to support Street Trading within Brentwood High Street whilst supporting the overall needs of the Town Centre, but also to support trading in other parts of the Borough if and when such other areas are adopted for Street Trading Purposes.

Objectives

- To support the local economy, businesses and retailers by increasing footfall to the High Street.
- To attract new visitors, residents and shoppers to the High Street.
- To create a welcoming atmosphere for visitors, residents and shoppers.
- To provide an opportunity to trade for local businesses.
- To complement existing retailers and businesses on the High Street.
- To provide a diverse and /or alternative offer of products to residents, visitors and shoppers.

Street Trading Designations

Brentwood Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to designate the High Street, Brentwood, between Wilson's Corner and the junction with Kings Road/Weald Road as Licence Streets for the purposes of Street Trading. The licensed area includes all forecourts, roads, footways or other areas adjacent to the roads listed for a distance of 10 metres to which the public have access by fact and without payment.

January 2016

From time to time, the Council may determine to resolve to designate other areas of the borough for the purpose of Street Trading, or to prohibit Street Trading in specified areas. In such cases details of these areas will be published on the Council website, advertised as required by legislation and added as an appendix to this policy.

The designation of the High Street and any future areas of the borough as may be determined from time to time, allows street trading to be controlled so as to limit disturbance and obstruction that might otherwise be caused to local shoppers and traders. Street Trading Licences are issued with conditions which specify the date, time, location and type of stall as well as defining certain requirements and parameters relating to the operation of the stall. Such conditions may be standard in that they apply to all licence holders or may be specific to an individual stall or trader.

Street trading in a designated Licence Street without the necessary Street Trading Licence is an offence which can result in a fine of up to £1000.

Further information about Street Trading Licences can be obtained from the Licensing Section. Please call 01277 312500. Alternatively, email licensing@brentwood.gov.uk

Location

The markets will take place only on the street trading pitch locations indicated on the plan included as Appendix 1 of this policy, for which there is provision for up to 23 stalls. Typically trading will occur on both sides of the High Street between properties 39 – 51 High Street.

Planning Permission has been granted for markets to take place where stalls are situated at a minimum distance of 2.5metres from all shop fronts and a minimum of 2 metres from the carriageway.

On every occasion licence holders must ensure that a sufficient gap is left between stalls/pitches and between stalls/pitches and street furniture to enable unrestricted and unfettered wheelchair, pushchair or pedestrian movement. This gap should normally be a minimum of 1.8 metres.

All individual pitches are for a maximum size of 3m x 3m and no double pitches will be allowed where street furniture or wheelchair, pushchair or pedestrian movement are impeded by the placement of a stall.

Should such an occasion arise the licence holder/stallholder will be required to reduce the size of their stall. Any failure to do so after having first been warned will result in the stallholder being required to leave the site or may result in revocation or suspension of the Street Trading Licence, refusal to renew a Street trading Licence and/ being liable for prosecution for having breached the licence conditions.

January 2016

If the market should be located near to a turning circle, disabled bays and overrun areas, a minimum of 0.5 metres should be provided between these areas and the stalls.

Planning permission has not been granted for the turning circle on the High Street.

Street Trading Categories:

1. Brentwood Market
2. General Street Trading
3. Lighting Up Brentwood

1. Brentwood Markets

1.1 Planning Permission has been granted for markets to take place on designated areas of Brentwood High Street for 7 days per week. Markets are typically held on Fridays and Saturdays on sections of Brentwood High Street and more specifically the large paved area from 39 - 51 High Street. The Council has the right to operate markets 7 days per week; however the Council will only operate a full Market on designated market days and on one-off special occasions and events.

1.2 All traders (with the exception of the long standing High Street Fruit and Vegetable Stall) wishing to operate on any Market day may only do so through the Market Operator as may be appointed from time to time by the Council. Any traders wishing to operate on non Market days must make application direct to the licensing team and such applications will be considered in line with the Standard conditions and this policy on the individual merit of the application and on a case by case basis.

~~1. Markets are operated by third party market operators instructed by Brentwood Borough Council. On designated market days, the Council will only grant street trading licences to traders who are being managed via the third party market operator. Street Trading Licences will be issued on a direct basis with the Council at the discretion of the Council.~~

1.3 Traders at Markets operated by third party market operators will need to meet the criteria of the market operator which can be obtained ~~by~~ through the market operator. Traders will also require a Street Trading Licence issued by Brentwood Borough Council. Conditions of the Licence are described in the criteria set out below.

1.4 All applicants will be expected to submit an application in which they will provide name and address contact details and also land line and mobile telephone numbers and an e-mail contact address if this is held by the applicant. For further details about the application process see Section 3 of this policy document shown below.

Fees:

January 2016

The fee for an An application for a Street Trading Licence where a third party market operator has been instructed by Brentwood Borough Council to operate a market ~~must be accompanied by the follow fees:~~ will be paid to the Council by the Market operator, however, the applicant must pay the relevant fee plus Market operator costs direct to the Market Operator.

Failure of any trader to pay the appropriate fee to the Market operator or failure to pay the appropriate licence fee to the Council (whether that failure is by the applicant or the Market Operator) may result in disqualification from the Market of that stall(s) until such time as the fees are paid.

- ~~• £20 per day Licence Fee paid to Brentwood Borough Council.~~
- ~~• A service charge paid directly to the Market operator. Details of the service charges are provided by the third party market operator.~~

2. Individual Street Trading Stalls

2.1 From time to time Brentwood Borough Council may issue Licences to individual traders either on non market days or at one-off special events throughout the year. In such circumstances the Council ~~but~~ will consider applications in their own right and on their own merits.

2.2 Fees:

An application for a Street Trading Licence must be accompanied by the appropriate fee as may be varied by the Council from time to time. Details of all current fees are attached to this policy as appendix A.

2.3 Payments

The Stall holder shall pay the full amount stipulated ~~on~~ when submitting the application (or with the booking form in advance for the Lighting up event) of for the full specified trading ~~day/period.~~ Unpaid sums will result in refusal to grant a licence, or where a licence may have been granted and sums subsequently fall due such outstanding monies shall be recoverable by way of a common debt and subject to the Council's Debt Recovery policy. Failure to pay may lead to court action where stall holders could be asked to pay the Council's costs.

2.4 Exemption

The fruit stall which has been trading outside the location of 71-73 High Street Brentwood for a number of years. The stall holder currently has an existing agreement with Brentwood Borough Council in terms of location and fee agreed prior to the introduction of this policy; however these may be subject to change in the future. It

was agreed in 2013 that when this stall is required to move, provision will be made at a point closer or adjacent to the weekly market.

3. Lighting Up Brentwood

The Council reserves the right to host the Lighting Up Brentwood Event annually on any day of the week. Fees for this event will be subject to a separate fee structure. For further information contact the Council's Community Safety Team by e-mail at lightingup@brentwood.gov.uk.

There will be no market on the day of the Lighting up Brentwood event. If possible the Council may offer an alternative day for the market. Individual stall holders may apply for a Street Trading Licence directly with Brentwood Borough Council for the Lighting up Brentwood event and fees will be ~~issued at the time of application and expression of interest~~ payable direct to the lighting up team, who will ensure that all licence fees are paid from the fee they receive direct to the licensing team, where appropriate.

Criteria for a Street Trading Licence

3. General Terms

3.1 An application for a Street Trading Licence or the renewal of such a Licence shall be made in writing to Brentwood Borough Council for individual Street Trading and shall be accompanied by all required documentation and the appropriate fee. However, where a ~~or to a~~ market operator that has been instructed by Brentwood Borough Council to operate the markets in Brentwood the fee will be paid to the Council in accordance with paragraph 1 (above) by the Market operator.

3.2 The applicant shall:

- (a) State his/her full name and address;
- (b) State the street in which, days on which and times between which the trader desires to trade;
- (c) Give a full description of articles in which the trader desires to trade and the description of any stall or container which the trader desires to use in connection with the trade in those articles;
- (d) Submit two photographs of themselves with their application.
- (e) Detail any convictions received in the preceding 10 years and/or any convictions received at any time which are unspent under provision of the Rehabilitation of Offenders Act. (applicants MUST check the licensing team if they are unsure of the status of any prior conviction received).

3.3 A Street Trading Licence shall not be granted:

- (a) To a person under the age of 17 years; or

January 2016

- (b) For any trading in a Highway in relation to which a control order under section 7 of the Local Government (Miscellaneous provisions) Act 1976 (road-side sales) is in force, other than trading to which the control order does not apply; and
- (c) **May not be granted to any person that holds a current conviction.**

3.4 Subject to sub-paragraph (3.3) above, it shall be the duty of the Council to grant an application for a Street Trading Licence or the renewal of such a Licence unless they consider that the application ought to be refused on one or more of the grounds specified in sub-paragraph (3.5) below.

3.5 The Council may refuse an application on any of the following grounds:

- (a) That there is not enough space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street;
- (b) That there are already enough traders trading in the street from shops or otherwise in the exact goods in which the applicant desires to trade. NB: Goods that are high demand products and/or with a reasonably short shelf life e.g. Bread, cakes and other perishables are less likely to be refused although the Council reserves the right to make judgement on all matters on a case by case basis;
- (c) That the applicant is unsuitable to hold the Licence by reason of having been convicted of an offence or for any other reason;
- (d) That the applicant has at any time been granted a Street Trading Licence by the Council and has persistently refused or neglected to pay fees or charges due for the licence or any associated services in his/her capacity as Licence-holder;
- (e) Where the street trading may damage the structure or surface of the street;
- (f) Where the appearance or quality of the trading equipment or structure/stall in use is not compatible with the character of the area in which it is proposed to be situated.
- ~~(g) — Where the quality of stall and the impact of its activities may be detrimental to the character and appearance of the area in which it is proposed to trade.~~
- (g) That the applicant has without reasonable excuse failed to avail him or herself to a reasonable extent of a previous Street Trading Licence.

- (h) Where the applicant has at any time been granted a Street Trading Consent or Licence and has persistently contravened conditions of the policy.

3.6 A Street Trading Licence shall specify:

- (a) The street in which, days on which and times between which the Licence- holder is permitted to trade; and
- (b) The description of articles in which he is permitted to trade.

3.7 If the Council determines that a Licence-holder is to confine his/her trading to a particular place in the street, his/her Street Trading Licence shall specify that place.

3.8 Matters that fall to be specified in a Street Trading Licence by virtue of sub-paragraph (3.6) or (3.7) above are referred to in this Schedule as the “principal terms” of the Licence.

3.9 When granting or renewing a Street Trading Licence, the Council may attach such further conditions (in this Schedule referred to as the “subsidiary terms” of the Licence) as appear to them to be reasonable.

3.10 Without prejudice to the generality of sub-paragraph (3.9) above, the subsidiary terms of a Licence may include conditions:

- (a) Specifying the size and type of any stall or container which the Licence-holder may use for trading.
- (b) The items for sale could offend members of the public or businesses.
- (c) The items for sale are not in keeping with the Council’s policy and objectives for street trading, in providing quality specialist markets including the sale of alternative and niche products.

3.11 The Street Trading Licence requires:

- (a) That ~~any stall or container so used shall carry the name of the Licence holder or the number of his Licence or both~~the licence shall be displayed during all hours of trading and available for inspection by any authorised officer of the Council or by any Police officer upon request; and
- (b) Prohibiting the leaving of refuse by the Licence-holder.

3.12 A Street Trading Licence shall, unless previously revoked or surrendered, remain valid for a period of 12 months from the date on which it is granted or, if a shorter period is specified in the Licence, for that period.

3.13 If the Council resolve that the whole or part of a Licence Street shall be designated a Prohibited Street, then, on the designation taking effect, any Street

January 2016

Trading Licence issued for trading in that street shall cease to be valid so far as it relates to the prohibited street.

- 3.14 The Council may at any time revoke a Street Trading Licence if they consider that:
- (a) owing to circumstances which have arisen since the grant or renewal of the Licence, there is not enough space in the street for the Licence holder to engage in the trading permitted by the Licence without causing undue interference or inconvenience to persons using the street;
 - (b) the Licence holder is unsuitable to hold the Licence by reason of having been convicted of an offence or for any other reason;
 - (c) since the licence was granted the licence holder has persistently refused or neglected to pay fees or charges due for the licence or any associated services in his/her capacity as Licence-holder;
 - (d) since the grant or renewal of the Licence, the Licence holder has without reasonable excuse failed to avail him or herself of the Licence to a reasonable extent.
- 3.15 If the council consider that they have grounds for revoking a licence by virtue of sub-paragraph (3.14)(a) or (d) above, they may, instead of revoking it, vary its principal terms:
- (a) By reducing the number of days or the period in any one day during which the Licence holder is permitted to trade; or
 - (b) By restricting the descriptions of goods in which he is permitted to trade.
- 3.16 A Licence holder may at any time surrender his/her Licence to the council and it shall then cease to be valid.
- 3.17 The Council may charge such fees as they consider reasonable for the grant or renewal of a Street Trading Licence.
- 3.18 The Council may determine different fees for different types of Licence, in particular, but without prejudice to the generality of this sub-paragraph, ~~by: may determine fees differing according:~~
- (a) reducing the number of days or the period in any one day during which the Licence-holder is permitted to trade; or
 - (b) restricting the descriptions of goods in which he is permitted to trade.
 - (c) restricting the duration of the Licence.
 - (d) altering the street in which it authorises trading; and
 - (e) amending the descriptions of articles in which the holder is authorised to trade.

- 3.19 The Council ~~may~~ require that applications for the grant or renewal of Licences shall be accompanied by ~~so much of the full~~ fee as the Council may require, ~~by way of a deposit~~ to be repaid by the Council to the applicant if the application is refused.
- 3.20 The Council may recover from a Licence holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as Licence holder.
- 3.21 The Council reserves the right to use the Licence fees to advertise and promote the market as a reasonable cost incurred in providing the service for market stallholders.
- 3.22 The stall shall be kept in the space allocated by the Council from time to time and the stallholder must keep the avenues adjoining the stall clear and free from refuse and litter.
- 3.23 Traders will need to supply their own stall and will be given a pitch approximately 3m x 3m. Stalls must be of high quality and safety is paramount. Stalls must be robust and withstand winds and therefore stalls will require weights. The size and positioning of the stall must be such that it does not contravene the restrictions specified in these conditions. In respect of markets, all stalls need to be compatible in size, style and colour and the appearance of the market must be attractive and consistent in nature. The arbiter of this standard will be the Council at all times.

4. Stall Requirements

4.1 All stalls need to be:-

Provided in full compliance with the legal standards laid down by the Health and Safety at Work etc Act 1974 and all regulations made there under. Without prejudice to the generality of the foregoing, the following controls must be in place:

- a) Only placed on firm level ground.
- b) Erected by competent persons with experience of such, pitched and secured firmly in order to prevent any possibility of overturn.
- c) Where connected in any way to a generator, that generator to be sited externally along with any fuel supply and pipe work to it and to fully comply with all relevant provisions of electrical safety acts and regulations.
- d) Electrical cables and wires must be placed so as to prevent tripping hazards. In the first instance these should always be placed away from any pedestrian areas. It is not permissible to cover cables and wires even with a bespoke rubber mat or duck tape as these may also present a tripping hazard. Cables and wires may however be suspended and at a height of no less than 198 centimetres above the ground below so that pedestrians may walk safely beneath. Additional support via a 'catenary wire' must be provided where electrical cables are suspended so as to prevent electrical short circuit.

January 2016

- e) All electrical circuitry must be weather resistant, and so placed and maintained to prevent electrical short circuit and danger from electrical shock.
- f) Where supported by guy ropes, those ropes and ground pegs to be positioned in such a way that they cannot be inadvertently tripped over and do not extend into any designated public walk-ways or traffic routes.
- g) Where used to contain any cooking apparatus that the apparatus is placed in such a way within the confines of the stall such that it will not catch fire nor produce a fire hazard as a consequence of any naked flame or heat producing surface.
- h) Where used to contain any heating apparatus that the apparatus is placed in such a way within the confines of the tent/marquee such that it will not catch fire nor produce a fire hazard as a consequence of any naked flame or heat producing surface.
- i) Provided where necessary with suitable apparatus to extinguish fire.
- j) To be pitched in such a way that the public may exit quickly through unimpeded and clear signed exits.
- k) Where containing any gas cylinders, that those cylinders are either laid down or tethered to a rigid supporting structure to prevent falling/overturn.
- l) Flame and fire retardant material must be used in the construction of the individual stalls. Stall holders are reminded that their stall will come under the requirements of the Regulatory Reform (Fire Safety) Order 2005 and the person/company/business responsible for the stall will be required under this order to undertake a fire risk assessment. The significant findings of that assessment are to be recorded. The completed assessment must be maintained available for inspection by the Fire & Rescue Service/Event Organiser or Council Officers at all times. The assessment will take into consideration amongst other issues most of those identified under Section 4.1 of the Policy for Market Stall and Street Trading activities.
- m) Residual Current Devices and Residual Current Circuit Breakers (RCD's/RCCB's) to be placed as appropriate within all mains electrical provision to prevent all exposed metal components from becoming electrically energised.
- n) Where any gas system is provided that it complies with the Gas Safety (Installation and Use) Regulations 1998 Section 35 and has been certificated by an appropriately qualified Gas Safe Engineer.
- o) No fire hydrant indicator plate or fire hydrant pavement cover shall be obstructed, or access to it restricted at anytime by the activities of the stall holder(s)

4.2 The Stall shall only be used for the sale of goods specified.

4.3 The Stall shall only be used by the Stallholder and his employees. The Stallholder shall not do or allow anything to be done which may cause or be a nuisance or annoyance to any member of the public or which may be detrimental to the efficient operation of the Market.

4.4 Traders must not set up before 7am Monday to Friday or before 8am on January 2016

Saturday and Sunday. Traders must remove vehicles from the market site by 8am on Monday and Friday and by 9am on Saturday and Sunday. Traders must continue trading until 5pm on all market days and will not be able to begin loading before 5pm on market days.

- 4.5 Stallholders will be expected to treat their colleagues and all visitors and residents with respect.
- 4.6 No traders' vehicles will be placed on the Market site, other than for loading and unloading at the times permitted under paragraph 4.4 of this policy.
- 4.7 It is the Council's intention to ensure that the market is well presented and adequately stocked to be attractive to potential customers and in support of the town centre. A high quality standard is required of all traders' presentations and merchandising and in pursuit of this the Council will set quality standards. Poor presentation could lead to termination of the right to trade.
- 4.8 A Street Trading Licence does not convey any other approvals that may be necessary under the Food Hygiene regulations, Planning legislation or other appropriate legislation.
- 4.9 All food traders need:

Where the stall is used for the sale or offering of food, that it complies in full with all relevant provisions of the Food Safety Act, and EC Regulation 852/2004.

Without prejudice to the generality of the foregoing, the following controls must be in place:

- a) To have registered the business under food law with the local authority in which they reside overnight or trade.
- b) A copy of the food registration certificate to be available for inspection.
- c) The food business to be 'broadly compliant with food hygiene law relative to its last inspection (i.e. a score of no more than 10 with regard to any of the three compliance areas, namely: -hygiene, structure and management).
- d) Food handlers to have received commensurate food hygiene training relative to their role within the business and this to be demonstrable in the form of certificates or records.
- e) To have evidence of a demonstrable food safety management system on site. This may take the form of an SFBB manual or similar to show adequate records of opening and closing checks.

- f) Traders selling hot and cold food will need to supply proof of the relevant food hygiene training certificate before you can apply for a Licence to sell food.
- 4.10 If you don't have a certificate you need to make your own arrangements to attend food hygiene training. You can find out more about training from Brentwood Environmental Health on 01277 312504. You'll also need to register your business with Environmental Health with you own local Council.
- 4.11 The Stall shall be kept in an orderly manner, clean and free from litter. No heating or lighting apparatus shall be installed without the permission of the Markets Manager.
- 4.12 No electrical connections must be made by stall holders to any public or utility equipment. Only generators or gas cylinder equipment that are compliant with paragraph 4.1 c), j), i) and m) are permissible.
- 4.13 Stalls, produce or products will only be allowed to be left out or stored overnight in the High Street town centre pavement area for markets lasting more than one day such as a continental or themed markets for example at the discretion of the Council and on the strict proviso that they are securely guarded all night and that they will not be left out in adverse or inappropriate conditions such as high winds etc. Ordinarily all stalls, produce or products must be removed and cleared away at the end of each trading day.
- 4.14 The Stallholder shall:
- (i) Indemnify the Council against all costs, demands, claims proceedings and actions incurred by the Council relating to or arising out of the use of the space allocated by the Council.
 - (ii) Obtain and maintain Public Liability Insurance with a minimum indemnity limit of £5,000,000 (five million pounds) and shall produce to the Council evidence of such insurance with the application to trade.

5. Guidance on products

- 5.1 The Council operates a fair system and welcomes all applications.
- 5.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that Council's may refuse an application on the following grounds:

That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;

[The Government has recently issued guidance that states that restricting certain types of trading may fall foul of competition laws and therefore suggests that schedule 4 of the Local government \(Miscellaneous Provisions\) Act 1982 should not generally be](#)

January 2016

applied. However, it is the view of this Council that the Market has been introduced for a specific purpose and that schedule 4 has not to date been repealed. Therefore some trading may still be refused if the Council believes that there is a surplus of certain products already available whether on the Market or in local shops. Whilst there is flexibility within this policy and each case will be considered on merit this restriction will normally only apply to branded goods or goods that are unsuitable for a Market environment. Final determination will lie with the Council.

- 5.3 Healthy competition is good for the town, however, the objective of the market is to compliment and enhance the offering provided by the shop traders in the town.
- 5.4 The Act allows the Council to attach such further conditions as appear to be reasonable. Each application will be considered in its own right and on its own individual merits. In this respect the Council has produced some guidance on the types of products which may be refused in order to be in keeping with the character of the Council and of the town centre and which as part of the Council's policy may also form part of the licence conditions. These are:
- a) To allow one type of product, or class of products to be sold by ~~one~~ any individual trader.
- b) To ordinarily refuse products not in keeping with the character of the High Street or the objectives of providing specialist and niche products this could include for example:
- Products of a sexual content
 - Trailer vehicles
 - Cooked food of burgers, hotdogs, chips, pizza and fast food
 - Cleaning products where they contain potentially harmful chemicals e.g bleach
 - Products promoting the use of drugs or tobacco related products
 - Individual Branded products found in local supermarkets and shops, including household items, make-up and health products
 - Designer or recognised brand label clothing, footwear or accessories
 - Funfair type products; donuts and candyfloss
 - Knives and other weaponry
- ~~Canned or branded drinks, chocolate, sweets and crisps~~
~~Mobile phone accessories~~
- 5.5 There are a sufficient amount of shop traders already selling cut flowers, ~~plants,~~ fruit and vegetables, hot drinks such as tea and coffee, therefore the Council is likely to refuse such items in the current climate, as legitimised by the Local Government (Miscellaneous Provisions) Act 1982.
- 5.6 Each application will however be considered in its own right and on its own merits. This means that some licences may be issued where it would be normal to refuse the

January 2016

application under provision of paragraphs 3.5, 5.2 and 5.4 if the applicant is able to demonstrate good reason for the Council to divert from policy in the individual circumstances of that application.

Car Parking Information for Traders

The height restriction for all car parks in Brentwood is as follows:

6M Length
2.1M High
2.3M Width

Blue badge holders may only park free of charge in Brentwood Borough Council surface car parks that are pay and display and do not have barrier access.

Season ticket holder only car parks are not to be used for casual parking and no vehicles are allowed to remain overnight in any of the car parks.

The nearest overnight camping ground is situated at Warren Lane Doddinghurst, Kelvedon Hatch, Brentwood CM15 OJG. The telephone number is 01277 372773. The site is open March to November and there are 90 pitches available. It is dog friendly and has electric hook –ups, hard standing, gas refills, disabled facilities, showers and toilet block, washing up facilities, laundry room, chemical disposal and internet access. This site is approximately two miles from Brentwood so it is convenient for traders.

Please note that this information is provided without prejudice to assist traders and is not intended to be an endorsement of the site or its services by Brentwood Borough Council and is only accurate to the time the information was included in the policy in August 2012. Brentwood Borough Council accepts no responsibility for any of the above information that might not be accurate in the future.

SITE PLAN ATTACHED

04. 114 ORCHARD AVENUE BRENTWOOD ESSEX CM13 2DP

REMOVAL OF CONDITION 4 (NO HEATING/COOKING EQUIPMENT SHALL BE USED ON PREMISES) OF APPLICATION 15/00145/FUL (CHANGE OF USE FROM MOTOR SPARES SHOP (RETAIL) TO CAFE (FOOD OUTLET)).

APPLICATION NO: 15/01341/FUL

WARD	Brentwood South	8/13 WEEK DATE	16.12.2015
PARISH		POLICIES	CP1 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312616
Drawing no(s) relevant to this decision:	01; 02; 04 - EQUIPMENT PHOTOGRAPHS;		

1. Proposals

Proposed removal of condition 4 (No heating/cooking equipment shall be used on premises) of application 15/00145/FUL (Change of use from motor spares shop (retail) to cafe (food outlet)).

Condition 4 requires the following:-

'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.'

This condition was imposed based on the types of low level foods the applicant wished to serve at that time and as the ventilation system proposed would not have been adequate if a fat fryer or more commercial cooking were to be carried-out at the premises, based on the advice of the Environmental Health Officer.

As part of the current application, the applicant explains that due to 'popular demand' for chips, they have installed a table top thermostat controlled fryer and have upgraded their extraction ventilation system inside the premises but there has been no change to the vents on the exterior wall. They would also wish to use an oven at the premises for jacket potatoes and warming rolls on occasion. A Bain Marie is used to keep beans/mushrooms/tomatoes warm. Photographs of the internal extraction ventilation system, fryer, Bain Marie and oven which have been installed have been provided. A copy of a gas inspection record and a Fire Risk Assessment also accompany the application. The applicant states that they wish to be able to serve a wider variety of hot foods at the premises.

As part of the original application, the applicant stated that the use would be mainly as a sandwich/coffee shop and that there would be 12 covers in total. The application related to the ground floor of the property which has a total floorspace of 58sq.m. No changes were proposed to the external appearance of the building except for an extractor on the side wall of the building. The opening hours for the use are limited to: 07:00-16:00 Mondays to Fridays, 08:00-14:00 Saturdays and Sundays, with no opening on public holidays (condition 2 of 15/00145/FUL).

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**

- 15/00145/FUL: Change of use from motor spares shop (retail) to cafe (food outlet). -Application Permitted

4. **Neighbour Responses**

14 letters of notification were sent out and a site notice was displayed outside the property. No letters of representation have been received.

5. **Consultation Responses**

- **Highway Authority:**
No response at the time of writing report.
- **Environmental Health & Enforcement Manager:**
Ventilation to the kitchen

A mechanical extraction system shall be provided to the kitchen area and will require adequate odour control and noise attenuation measures, particularly when related to the residents of the flats directly above and nearby to the shop.

Any mechanical ventilation must be capable of supplying fresh air to the kitchen with at least 20 air change/hour. Additionally, a ventilation hood located over the oven and heating appliance equipped with a grease filter should be installed.

The extraction system will require adequate odour control and noise attenuation measures and will normally be required to terminate at least 1m above the eaves level. The level and the efflux velocity of the discharge shall be a minimum of 15m/sec. This Service, as a matter of course with such applications, would require an activated carbon filtration system to be installed the after grease filter.

A suitable flue termination such as Scandinavian sleeve must be provided

Any ventilation system also has the possibility of noise and vibration implications, particularly for the residents of the flats directly above the shop. Details of the system are required in order that an assessment can be carried out.

Drainage

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

6. Summary of Issues

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 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 issue which requires consideration as part of the determination of this application is the impact of the proposed use on the amenity of the occupiers of local residences.

The Environmental Health Officer has advised that, for the type of cooking equipment the applicant now wishes to use at the premises, a mechanical extraction system needs to be provided to the kitchen area and adequate odour control and noise attenuation measures are required, particularly in relation to the residents of the flats directly above and nearby to the shop. The information which has been provided regarding the mechanical ventilation system which has been installed is not considered to be adequate, in particular, the extraction system does not terminate at least 1m above the eaves level. The Case Officer has written to the applicant twice (8 December and 22 December 2015) asking for additional information but no response has been received at the time of writing this report. As a result, the proposal has the potential to cause harm to the amenity of the occupiers of neighbouring and local residents by reason of odour, noise, vibration, contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) and is recommended for refusal on this basis below.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11863

Due to the lack of an adequate mechanical ventilation system, the proposal has the potential to cause harm to the amenity of the occupiers of neighbouring and local residents by reason of odour, noise, vibration, contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

Informative(s)

1 INF05

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

2 INF20

The drawing numbers listed above are relevant to this decision

3 U02776

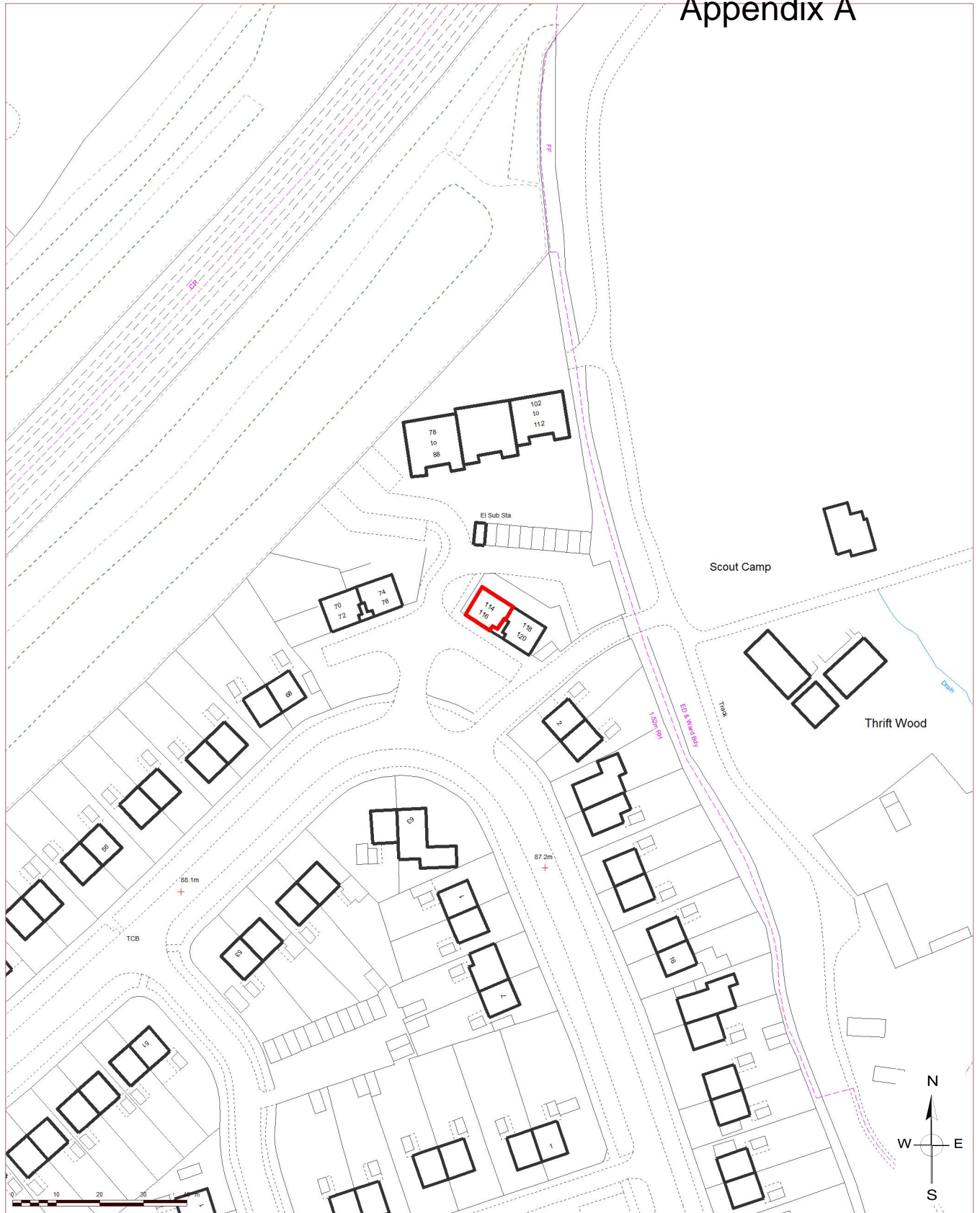
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied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

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : 114 Orchard Avenue

15/01341/FUL

Scale at A4 : 1:1250

Date : 19th January 2016

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



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SITE PLAN ATTACHED

05. THE BRENTWOOD TRAINING CENTRE ESSEX WAY WARLEY ESSEX CM13 3AX

DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF 50 RESIDENTIAL DWELLINGS, (10 HOUSES AND 40 FLATS) INCLUDING AFFORDABLE HOUSING, IN BUILDINGS EXTENDING TO BETWEEN TWO AND FOUR STOREYS IN HEIGHT, TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING AND INFRASTRUCTURE WORKS.

APPLICATION NO: 15/01379/FUL

WARD	Warley	8/13 WEEK DATE	12.01.2016
PARISH		POLICIES	NPPF NPPG LT8 H14 H6 H9 CP1 T2 C7
CASE OFFICER	Mrs Charlotte White		01277 312500

Drawing no(s) relevant to this decision: SCHEDULE OF ACCOMMODATION /A; CONSTRUCTION METHOD STATEMENT /A; TRANSPORT STATEMENT ; APPRAISAL OF PARKING PROVISION ; SUSTAINABILITY STATEMENT ; ENERGY STATEMENT ; SUNLIGHT AND DAYLIGHT REPORT ; PLANNING STATEMENT ; BAT SURVEY ; REPTILE SURVEY ; EXTENDED PHASE 1 HABITAT SURVEY ; DESK STUDY & SITE INVESTIGATION REPORT ; ARBORICULTURAL IMPACT REPORT ; 8128 01 ; 8128 02 ; 8128 03 /A; 8128 04 /A; 8128 05 ; 8128 06 ; 8128 07 ; 8128 10 /B; 8128 11 /B; 8128 12 /B; 8128 13 /B; 8128 14 ; 8128 15 ; 8128 16 /A; 8128 17 ; 8128 20 /A; 8128 21 ; 8128 30 /A; 8128 31 /A; 8128 32 /A; 8128 33 /A; 8128 35 /A; 8128 36 /A; C100 /P7; C200 /P6; C600 /P3; C601 /P3; C700 /P1; 8128 DS01 ; 8128 DS02 ; 8128 DS03 ; 8128 DS04 ; 8128 34 ; DRAINAGE STATEMENT REPORT /A; ARTIST VISUAL IMPRESSIONS ; C602 /P3; PRO65 01 B ; DESIGN AND ACCESS STATEMENT ;

1. Proposals

Planning permission is sought to demolish the existing buildings on the site and to redevelop the site for residential purposes with a mixture of 3-bedroom houses and 1 and 2-bedroom flats. In total 10x 3-bedroom houses are proposed in three small terraces and 40 flats are proposed, with 15x 1-bedroom flats and 25x 2-bedroom flats. With the exception of 2 flats above a car port (flat over garage or FOG units), the flats will be provided within a roughly 'L' shaped building which rises to 4 storeys in height.

All of the houses proposed and 22 of the 40 flats (6x 1-bed units and 16x 2-bed units) will be for open market sale, with 18 affordable flats to be provided constituting 7x 2-bedroom social rented flats and 9x 1-bed and 2x 2-bed flats for intermediate, shared ownership housing.

The development has been designed with flat and mono-pitched roofs, with some of the flats benefiting from balconies. The development is to be constructed using Hanson blue bricks and a buff coloured brick, (the details of which are yet to be confirmed), metal profile roofing panels and grey UPVC windows, doors, rainwater goods, fascias and soffits.

In total 84 parking spaces will be provided on the site, located in parking courts, to include visitor parking spaces. 2 motorcycle parking bays are proposed and cycle parking is also to be provided at a ratio of 1 cycle space per residential unit. The parking includes some undercroft parking provisions and some tandem parking. The 1-bedroom market flats will be provided with 1 parking space, the 2-bedroom market flats and 3-bed market houses will be provided with 2 allocated parking spaces and the 1 and 2-bedroom affordable flats will be provided with 1 allocated parking space each. 8 visitor spaces will be provided.

Each of the 3-bedroom houses will have its own private amenity space. There will be some very limited areas of outside space within the wider development to the south of the site, near the turning head and to the east of the site. The landscaping includes the retention of many of the existing trees to the boundaries and new planting. The hard landscaping proposed constitutes charcoal colour block paved private drives and autumn gold colour block paved shared surfaces.

The site will have a new vehicular access road into the site from Essex Way running north-south with new residential properties either side and will constitute a shared surface. A new pedestrian link to Evelyn Walk to the south of the site will be provided.

The application has been submitted with full plans and artist impressions, a construction methodology, a transport statement, a parking provision appraisal, a sustainability statement, an energy statement, a sunlight and daylight report, a planning statement, a Design and Access Statement, a bat survey, a reptile survey, an extended phase 1 habitat survey, a phase 1 and 2 desk and site investigation report from geosphere environmental limited, an arboricultural impact assessment and a drainage statement report.

This application is presented to Planning Committee given the nature and scale of the proposal.

2. Policy Context

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Local Plan Policies

LT8 - Use of redundant institutional, recreational and community buildings

H6 - Small unit accommodation

H9 - Affordable housing on larger sites

H14 - Housing density

CP1 - General development criteria

T2 -New development and highway considerations

C7 - Development affecting preserved trees, ancient woodlands and trees in Conservation Areas.

3. Relevant History

- 12/00614/FUL: Change of use from Adult Education Centre to Boxing Academy - Application Permitted

4. Neighbour Responses

46 neighbour letters were sent out, two sites notices were displayed one in Essex Way and one in Evelyn Walk and the application was advertised in the press. To date, 4 neighbour letters have been received which make the following summarised comments:

- Density too high.
- 4 storeys is too high.
- Block sunlight and reduce natural light.
- Overdevelopment.
- Loss of privacy and overlooking.
- Light pollution.
- Noise pollution.
- Air pollution.

- Out of keeping with the area - apart from Gibraltar house, housing is 2 storeys.
- Overcrowding.
- Insufficient parking and parking already problematic in the area.
- Will be imposing and oppressive.
- Shared space is dangerous.
- Cash sum given to Council given lack of community centre - residents of Warley have right to know where that money is going to be spent.

A letter of objection from Cllr Hubbard has also been received which makes the following summarised comments:

- Original plans of 38 homes was excellent - 50 is a mistake.
- Transport Study is disingenuous.
- Insufficient parking.
- Inaccuracies in information submitted.
- Some parking spaces cannot be accessed.
- Already extreme parking congestion in area due to commuter parking,
- Many residents contacted me about parking concerns before this application.
- Will exacerbate parking problem unless made a resident parking area for outset.
- Excessive.

5. Consultation Responses

- **Highways England:**

No objection;

- **Highway Authority:**

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

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

- i the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

related to the use of the development unless otherwise agreed with the local planning authority.

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

3. The headroom at the entrance to the parking courts should be a minimum of 2.1 metres.

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

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

Reason: To prevent on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The cycle parking facilities as shown on the approved plans for the proposed flats 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Cycle parking facilities for the proposed houses shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. The powered two wheeler parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two wheeler parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Prior to commencement of the development, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the compass point in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the site access 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 / access and those in the existing public 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.

9. 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 to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

10. The developer shall provide a Real Time Passenger Information facility at the nearby northbound bus stop on The Drive.

Reason: To encourage trips by public transport in the interest of accessibility in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. Prior to occupation of the proposed development, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, and to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex CM13 3HD.

- **Environmental Health & Enforcement Manager:**

I do not have any objections to this application.

Can you please put the following condition on.

1. In view of the report produced by Geosphere Environmental Ltd; 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 commencement of any 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. A signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

2. 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 in accordance with condition 26 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.

- **Essex & Suffolk Water:**

No comments received at time of writing report.

- **Anglian Water Services Ltd:**

No comments received at time of writing report.

- **Environment Agency:**

No comments received at time of writing report.

- **Arboriculturalist:**

15/01379/FUL The arboricultural and landscape details will combine to both maintain and improve the planted component of the development.

- **Natural England:**

Natural England has no comments to make on this application.

- **National Grid:**

No comments received at time of writing report.

- **Housing Services Manager:**

Please find below the agreed mixed tenure type for this development;

9 x 1B - Shared Ownership

7 X 2B - Affordable Rent

2 x 2B - Shared Ownership

- **Schools, Children Families Directorate:**

Thank you for providing details of the above full planning application for up to 50 new homes. From the information I have received, I have assessed the application on the basis of 10 houses and 40 flats. Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.7 Early Years and Childcare (EY&C) places; 9 primary school, and 6 secondary school places.

The proposed development is located within the Warley Ward. According to Essex County Council's childcare sufficiency data, published in July 2015, there is insufficient evidence that the EY&C places generated from this development would require there to be additional provision, therefore I will not be requesting a contribution at this time.

This proposed development is located within the priority admissions area of Warley Primary School which is part of the Brentwood Primary Forecast Group 1 (Brentwood Town) set out in Essex County Council's document 'Commissioning School Places in Essex'. The Forecast group has an overall capacity of 4,668 places. The Brentwood forecast planning group 1 is forecast to have a deficit of 62 places by the school year 2019-20.

Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional primary school places. However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional primary school places from this proposed development. This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be 5 contributions allocated to a particular project to add school places in the area.

With regards to secondary education needs, this proposed development is located within the priority admissions area of Brentwood County High School which is, for the purposes of forecasting part of the Brentwood Secondary Planning Group 1 (set out in 'Commissioning School Places in Essex'. The Group has an overall capacity of 6,844 places. The Brentwood secondary forecast planning group 1 is forecast to have a surplus of 890 places by the school year 2019-20. No contribution for additional secondary school places will, therefore, be requested.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

- **Design Officer:**
Proposal

Demolition of the existing building and construction of 50 residential dwellings, (10 houses and 40 flats) including affordable housing, in buildings extending to between two and four storeys in height, together with associated landscaping, parking and infrastructure works.

Background & Development Context

The proposals within this application have been subject to a series of Pre-application meetings.

Discussion

The development site concerns the now disused former training centre at Warley. The proposals involve the demolition of the existing structures to accommodate 50 residential units and associated parking. The demolition of the existing architecture at the site is not objected to; it is of no significant architectural merit within the current context of the post modern estate; which includes a sawtooth layout of dwellings within Essex Way itself, a post modern exemplar. It is evident from the submitted information a good level of contextual analysis has been conducted and has informed the design development prior to submission.

The site is approximately 0.6ha; the layout proposes a split of unit typologies with houses to the west and a greater density of flatted development at the east - these are divided by a spine road which will facilitate both vehicular and pedestrian access. One of the key principles in the design of this site has been the introduction of pedestrian permeability; creating linkage within the context; I am pleased to advise this has been incorporated.

The immediate context of the site is dominated by Gibraltar House (See drawing 8128/05) which evidently has influenced the four storey block proposed at the key corner within the development site in respect of scale and density. The forms are subsequently lowered to three storeys upon the thoroughfare of Essex Way returning into the spine road of the development itself at a consistent scale. Adjacent to the three story forms are three sets of terraces I advise these relate acceptably with the lower scale of The Gables (to the west). The proposed roofscape is consistent with the contemporary narrative; with a mixture of flatted and monopitch coverings (refer to drawing 8128/16). Overall the proposed scale and density I find to be acceptable within this context.

In respect of the elevational treatment, a post modern language has been adopted which has given consideration to the utilitarian architecture of the post modern estate; the detail intent with the lead of brick materials and simple façades are in keeping with the local distinctiveness; I advise the design detailing for the balcony should be subject to further development should permission be granted in order to refine the aesthetic further at a greater drawing scale. This is particularly relevant for the balconies at the boundary of Gibraltar Close, the key introductory corner to the development which also contains a brick relief detail upon the elevations; adding interest to this simple modern design; this aspect should not be value engineered (see drawing 8128/17 North East Elevation Corner of Essex Way).

I have also reviewed the landscape proposals in relation to the architectural style and I appreciate the arboricultural officer will advise in more detail; however from an urban design perspective it is positive to see this has been considered within the applicants design development criteria.

Summary

Having assessed the submitted information in respect of Design, I advise the architectural language, scale and resultant proposed development is appropriate to its context.

Conditions of planning should include details of windows, brick work relief, eaves/roof profile and boundary treatments to ensure the development contributes to its location.

Recommendation

Consequently I support this application subject to Conditions and have no objections on Design Grounds.

- **Essex Wildlife Trust:**

No comments received at time of writing report.

- **ECC SUDS:**

Thank you for your email received on 25 November 2015 which provides this Council with additional information giving us a further opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We are statutory consultee on surface water from the 15th April.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- o Non-statutory technical standards for sustainable drainage systems
- o Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- o The CIRIA SuDS Manual (C753)
- o BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

No development shall take place until a detailed surface water drainage scheme for the site, based on the approved surface water drainage strategy, sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

Reason

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment

Condition 2

No development shall take place until further ground investigation has taken place, during winter months, to demonstrate that ground water levels do not pose a significant risk to the development. Following ground investigation, if necessary, a scheme for appropriate mitigation of ground water flood risk should be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to occupation.

Reason

To mitigate against groundwater flooding by ensuring that sufficient information is in place to fully understand the risk associated with the development.

Condition 3

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Condition 4

Prior to commencement of the development the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.

Reason

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

Condition 5

The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- o Sequential Test;
- o Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- o Safety of the building;
- o Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- o Whether insurance can be gained or not;
- o Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

- **NHS Property Services Ltd:**

Further to a review of this application and the GP practice likely to be affected by this development. We can confirm that at the current time this practice has capacity to accommodate the patient growth generated by the proposed development. Therefore NHS England have no objection to this development and will not be requesting mitigation from the developer.

Please note this information is current as of today's date and is subject to change

- **Open Space Strategy Coordinator:**

With reference to the above planning application and the request for comments in response to it, I am now in a position to offer the following comments:

In terms of the overall style of the development this is outside of my field of remit and so I have no comments to make on this. Looking at the site itself an attempt has been made to provide some private formal open space in the form of a private gardens to the rear of the new houses , and a small communal area for the flats with associated balconies for higher levels but I feel the term 'generous' that is used within the design statement is somewhat out of context considering the actual size of space given. There is no general publicly accessible amenity space within the site even though the Replacement Local Plan specifically asks for developments of 50 units or more to provide 15% of the site to such use.

I appreciate that considering the size of site it is not financially viable to meet the Council's density requirements AND provide 15% on site open space, however there is a significant piece of publicly accessible open space in the form of Warley Playing Fields which is located a few hundred metres from the development itself and so would provided sufficient accessible open space within a reasonable distance.

I also note that as the development consists of more 50 individual dwellings and is in excess of 0.5 h.a. that it will trigger a contribution of funds via a Section 106 agreement to existing open space provision under current local planning obligations. Under the current Replacement Local Plan it stipulated that:

'Within larger housing area (sites of 50 units and above) at least 15% of the site area should be set aside for public open space, part of which should be suitably hard surfaced. In areas deficient in open space or having densities and/or smaller gardens more open space will be sought.'

In addition to this it also states:

'Developers of residential sites of between 0.4 and 1.0 ha. (or 20 to 50 units) will normally be required to provide a LAP with a minimum area of 100sq.m (either on-site or off-site) and make a financial contribution towards the provision of a LEAP and a NEAP.'

With regards to the financial contribution, due to the approved design of the scheme it is not going to be possible to integrate a play area on the development and there are already play facilities located a short distance away. Also the Council is undergoing a review of its play provision and as such is not commissioning the installation of any new play facilities for the short term. In light of this decision any financial contribution will be used to improve existing open space provision firstly in and around the development area and then elsewhere in the Borough on a priority basis.

In terms of the value of the contribution, this is placed at £125,000 and is broken down as follows:

- o Cost to provide contribution towards a LEAP with fencing, footpaths and ancillary items such as furniture - £50,000 (overall cost to provide such a facility would be in excess of £90,000)
- o Cost to provide a LAP (minus land cost) - £5,000
- o Cost to provide contribution towards a NEAP - £70,000 (overall cost to provide such a facility would be in excess of £120,000)

At this stage there is no initial objection from an open spaces perspective, however, further comment will be retained until more details of the planting specifics is released by the developer in particular the future maintenance and management of any planting as to whether this will be via the Council or by an appointed private arrangement.

In addition to this I also attach works programmes from Member approved management plans for surrounding sites that the contribution would be expended on. At this stage I am unable to advise of specific projects as this will depend greatly on progress made by the Council on existing commitments and also when the contribution is made available as to what works remain outstanding.

- **Assets Manager:**

No comments received at time of writing report.

- **Bats:**

No comments received at time of writing report.

- **Essex Badger Protection Group:**

I have checked my records and do not have any details of badger setts or their activities within the site . However I do feel that this site should be surveyed for badgers, before any planning application is approved.

This is something I am quite happy to do, if the Council would wish me to.

- **Planning Policy:**

The application site has previously been put forward for consideration as part of preparing a new Local Plan for the Borough. The site (Ref: 013A and 013B) is being considered as a potential site for new housing development. In the Council's Local Plan Preferred Options consultation (2013) the site was identified as a preferred site for housing.

Following this consultation it became clear that other local planning authorities plans were being found unsound on the basis of not meeting full objectively assessed needs. Given our neighbouring authorities indicated in their consultation responses that they would not be able to pick up any of Brentwood's shortfall in their area the Council decided reconsider this issue. The Council decided to reevaluate the work that had been done so far by seeking views on the establishment of a Local Plan that met full needs.

The Strategic Growth Options consultation (January 2015) provided the opportunity for comments to be made on where this level of growth in the borough could be met. This document also set out all of the proposed development sites that had been suggested to the Council, including site 013A and 013B, Warley Training Centre. No decision has yet been made on which sites will be allocated to meet the full needs. The next consultation stage is the Draft Local Plan, which is due to be available for comment in January 2016, and will set out the preferred strategy and sites.

In principle the development of this site for housing would be welcomed as it currently constitutes previously developed land which is preferred over the release of Green Belt for development. On this basis it will be important to consider the most appropriate density to most efficiently use brownfield development opportunities as they come forward. However, it is noted that appropriate design and density according to neighbouring development and car parking provision may constrain the density to a certain level. It is also noted that the level of affordable provision being proposed would exceed the Local Plan requirement of 35%, which is supported.

- **Operational Services Manager:**
No comments received at time of writing report.

6. Summary of Issues

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise: the Brentwood Replacement Local Plan 2005. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material consideration in planning decisions.

Site Description

The application site is located on the southern side of Essex Way and is currently occupied by a disused and vacant training centre and its grounds including parking and soft landscaped areas. The site backs onto Evelyn Walk. To the west is 'The Gables' which constitutes a two storey development of apartments and to the east is a garage block, a staggered row of terraced dwellings with a high rise block of flats; 'Gibraltar House' beyond. Opposite the site are further staggered rows of two storey terraced houses. Within the wider surrounding area there is a two storey nursing home, and a mixture of dwellings including bungalows, houses and flats. The flats within the wider area include three storey, flat roofed blocks. The area has a distinct character, and with the exception of the more modern nursing home, the majority dwellings in the area have fairly similar materials, with large blocks of grey and light bricks.

The site is located in an area allocated for educational institution (LT8) purposes in the Local Plan and as such the main considerations in the determination of this proposal are;

1. The principle of the proposal;
2. Sustainability;
3. Housing policies;
4. Design and character of the area;
5. Residential amenity;
6. Living conditions;
7. Parking and highway considerations;
8. Flooding and drainage;
9. Trees, landscaping and ecology,
10. S106 contributions
11. Conclusion

The principle of the proposal

The application site was previously used as a training centre and was used for a temporary period by a boxing academy but has clearly been vacant for some time. The site constitutes previously developed land in an urban area. One of the core planning principles in the NPPF is to; encourage the effective use of land by reusing land that has been previously developed, providing that is not of high environmental value.

The site is allocated as an educational institution site in the current Local Plan, and Policy LT8 states that permission for the change of use or development of such sites will only be granted where the proposed use addresses local community needs, or where these needs are met elsewhere can be used to meet housing needs.

In this instance, it is recognised that there is no community need for this site; it is owned by the Council but has been vacant for several years and the Council is seeking to sell the redundant site. The site has been/is to be considered within the draft Local Plan(s) for housing purposes and a development brief has been prepared for the redevelopment of the site for residential purposes. There are also other community uses within the vicinity.

As such, it is clear that the site is no longer required for community purposes and the Council's desire is to see the site developed for residential purposes. As such, in this instance, no objection is raised to the loss of the site for community purposes, especially considering that the NPPF actively encourages the re-use of redundant, previously developed sites of this nature. No objection is therefore raised to the principle of developing this site for residential purposes, subject to other considerations, such as design and residential amenity considerations.

Sustainability

In terms of suitability, the transport statement submitted with this application indicates that within easy walking distance of the site are playing fields, a leisure centre, playground, public transport services, neighbourhood stores, primary schools, health facilities and employment. It comments that there are bus stops close by on The Drive, Warley Hill and Pastoral Way, which are served by regular bus routes. Brentwood Rail Station is approximately 1.4km from the site, with the bus routes along The Drive and Warley Hill providing access to the Train Station. As such, it is considered that the site would be located in a sustainable location and the occupiers of the development would not be completely reliant on their cars as the only means of transportation to and from the site, in accordance with the aims and objectives of National and Local planning policy.

Housing Policies

In terms of density it is important to ensure previously developed, brownfield sites in sustainable areas of this nature are used as effectively as possible, as advocated by the NPPF and to relief pressure on the Green Belt within Brentwood. However, it is also necessary to ensure that the density is appropriate to the site's context and the existing character of the area. The proposed density of this development is 77 dwellings per hectare (dph) which is a high density. However, it has been clearly demonstrated within the Design and Access Statement that such a density would not be out of keeping with the existing density and character of the area. It is also noted that the Design Officer raises no objection to the density proposed. As such the proposed density is considered acceptable in this instance and no objection is therefore raised on this basis in terms of the NPPF and Policy H14 of the Local Plan.

In terms of affordable housing, this proposal seeks to provide 18 affordable flats; 9 1-bedroom flats and 9 2-bedroom flats. 7 of the 2-bedroom flats will be social rent units and the other 2-bedroom flats and the 9 1-bedroom flats will be shared ownership units. Policy H9 of the Local Plan states that 35 percent affordable housing should be provided on sites on this size and nature. The 18 units to be provided for affordable housing represent a 36 percent provision of affordable units, which is slightly above the policy requirement.

The Council's Housing Department have commented that the mix of affordable units is acceptable. At S106 meetings, the housing department have also verbally confirmed that the level of affordable housing proposed, the size, scale, locations and tenure mix of the units are acceptable. Subject to a S106, legal agreement the offer of affordable housing meets policy requirements.

In terms of housing mix, the proposal seeks to provide 10x 3-bedroom houses and 40x 1 and 2 bedroom flats. Policy H6 of the Local Plan states that for developments of this size a minimum of 50 percent of the units should be 1 or 2 bed units. In this instance 80 percent of the units proposed are 1 or 2 bed units in accordance with this Local Plan Policy.

Design and character of the area

Following the comments received from the Design Officer, which are outlined earlier in the report, there is no objection to the demolition of the existing buildings on the site and it is considered that the design proposed has been informed by the context of the surrounding area, with a post-modern elevational treatment adopted which has given consideration to the existing architecture in this post-modern estate, with the detailing in keeping with the local distinctiveness of the area. However, conditions are needed, requiring further balcony details, brick relief details, window and eave and roof profile details to ensure that the development contributes to its location. The pedestrian permeability through to Evelyn Walk is positive, and the scale and density proposed is acceptable, with the greatest scale being located at a key corner, close to the tower block in Gibraltar Close, with the scale reducing to 2 storey dwellings close to The Gables which has a lower established scale.

It is noted that the neighbour concerns raised include the scale of the development, particularly the four storey element. However, this scale would create a 'landmark' to the development and the scale has been carefully considered to reflect the character of the area. There are other examples of flats in the area, apart for Gibraltar House, including a three storey, flat roofed buildings in Wilmot Green. As such the scale of this development is acceptable and no objection is raised in terms of the design. It is considered that this development would enhance the character and appearance of the area. No objection is therefore raised in terms of Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

Residential amenity

In terms of overlooking and loss of privacy, the 10 houses proposed back on to The Gables, however, the rear walls of the dwellings would be located in excess of 15m from the rear boundaries of the sites with an eye-to-eye distance of a minimum of some 23m. At this separation, it is not considered that proposed dwellings would result in any undue harm to the residents of The Gables in terms of material overlooking or loss of privacy.

Given the isolation space between the flats fronting Essex Way and the houses opposite in Greenfields Close, it is not considered that the proposal would result in any undue overlooking or loss of privacy to these residents. It is also noted that these existing dwellings do not front Essex Way and have no flank windows facing the development site.

Similarly, given the distance between the proposed dwellings and their locations in comparison to the existing dwellings in Evelyn Walk, it is not considered that the proposal would result in material harm to the residential amenity of the occupiers of the dwellings in Evelyn Walk in terms of overlooking or loss of privacy.

The 'FOG' units (flats over garage units) proposed would be located fairly close to 1-5 Gibraltar Close. However, the rear windows have been designed to be high level windows, with 2 of the 4 first floor rear windows to be obscure glazed. As such, it is not considered that these windows would cause any material harm to the occupiers of the dwellings in Gibraltar Close in terms of overlooking or loss of privacy. Given the isolation spaces between the main block of flats and the dwellings in Gibraltar Close, it is not considered that the proposal would result in significant or demonstrable overlooking or loss of privacy to the existing occupiers.

It is also noted that having windows overlooking areas such as Evelyn Walk and Greenfield Close will increase natural surveillance in the area which is positive for crime prevention. However, this natural surveillance would not result in any material overlooking or loss of privacy.

The proposed units have been designed in a manner that would not result in material overlooking between the units proposed.

In terms of dominance and an overbearing effect, the layout of the development has been carefully considered in relation to the existing dwellings, with the built form proposed located a minimum of some 11m from the existing dwellings. The proposed 4 storey element is located adjacent to garages in Gibraltar Close, with the part of the development that directly backs onto the dwellings being two storey in nature (the FOG units). It is therefore considered that the proposal would not result in any material harm to the existing residents in terms of dominance and an overbearing impact.

It is noted that some neighbours have raised concerns about the proposal resulting in loss of daylight. However, this application has been submitted with a sunlight and daylight report which considers the impact of the proposed development on the existing dwellings in Gibraltar Close and concludes that all window casements to the existing dwellings are well in excess of the good practice figure of 80% of the pre-development values with any change being minimal and unnoticeable to the human eye with the garden areas exceeding the best practice significantly pre and post development. As such, it is not considered that the proposal would result in any material harm to the residential amenity of the adjoining residents in terms of loss of light or outlook. No objection is therefore raised on this basis.

In terms of noise and disturbance, whilst it is noted that there have been some neighbour concerns raised in this regard, given that the area is already largely residential in area and given the previous use of the site it is not considered that the proposal would result in any significant or demonstrable harm in this regard. Whilst parking is proposed close to the boundaries of the site, the existing site has large areas of parking within and close to the boundaries. As such it is not considered that this proposal would result in material increases in vehicle or other noise over and above that of the existing development. It should also be noted that the Environmental Health Officer (EHO) has raised no objection to the proposal.

Living conditions

The 3-bedroom houses proposed are provided with between 65-106 sq. m of private amenity space, some flats have balconies between 5-12 sq. m and there are some small areas of open space within the site. As such, the proposal provides limited outside amenity space for the occupiers of this development. However, the site is located close to existing public open space and existing areas of children's play equipment. As such, subject to a S106 contribution towards these existing areas of public open space and play equipment to compensate for the increased demands that will be placed on these areas as a result of this development, no objection is raised on this basis.

In terms of the sizes of the units, some of the flats proposed are slightly below the minimum size required by the DCLG technical housing standards, however, this document has not been formally adopted by the Council and it is considered that the size of the dwellings hereby proposed would be adequate and would provide adequate living conditions for any future occupiers of the site.

All habitable rooms will be provided with windows to provide light ventilation and outlook, with most flats having dual outlook which is positive. The daylight and sunlight report submitted indicates that whilst some of the rooms as a result of this development would be provided with slightly less light than usually expected, this is largely due to the provision of balconies and has been mitigated with the use of large Juliette balcony doors. The report concludes that overall the daylight provision on a site-wide basis meets good practice and is therefore acceptable.

No objection is therefore raised on this basis in terms of the fourth bullet point of paragraph 17 of the NPPF.

An environmental impact assessment has been submitted with this application which comments that a potential contamination source and pathways to potential receptors have been identified, which, although the risk posed to end users is considered to be generally low, it would be prudent to undertake a post-demolition site investigation. A remediation method statement should be produced to detail remedial procedures to reduce the risk from contamination to end users. As such, subject to the conditions recommended by the Environmental Health Officer in this regard, no objection is therefore raised on this basis.

Parking and highway considerations

In terms of parking, a total of 84 parking spaces are to be provided as part of this development, 2 powered-two-wheeler spaces are to be provided and each unit will be provided with 1 cycle parking space. The 3-bedroom dwellings will be provided with two parking spaces per unit with the 1 bed-flats provided with 1 space per unit and the market 2-bed flats provided with 2 allocated parking spaces. The 2-bed affordable flats will only be provided with 1 parking spaces. However, a further 8 visitor spaces will be provided on the site.

The information provided in the Transport statement submitted indicated that the development is deficient in 9 parking spaces for the two-bed affordable units and has a deficiency of 5 visitor parking spaces. As such, in total the development has 14 spaces less than the parking standard would require.

A new vehicle access will be provided from the north of the site and a pedestrian access into Evelyn Walk will be provided. A 43m visibility splay will be provided onto Essex Way.

The Transport Statement submitted indicates that the proposal will result in additional AM and PM peak period trips compared with the extant education use. However, the site access and Essex Way have ample capacity to accommodate the proposals. The junction of The Drive/Essex Way has sufficient capacity to accommodate the proposed development in the future and the development proposals can be accommodated on the highway network without increasing delay for other road users.

The application has also been submitted with an appraisal of parking provisions document which comments that whilst the development is 14 car parking spaces short, car ownership in Warley is lower than the average across the county, with car ownership within the immediate vicinity of the site lower again with only 0.91 cars per household compared to an average of 1.37 across Essex. Within this development it is proposed to provide 84 parking spaces which equates to an average car ownership level of 1.68 cars per household. Census data also shows that car ownership amongst occupiers of flats is normally lower than for houses and that car ownership amongst occupiers of affordable units is lower than for private market housing. Affordable housing in the Warley area typically have a car ownership level of approximately 60 percent of private housing. As such the parking appraisal concludes that the provision of 84 parking spaces is ample to accommodate the expected demand. It is also noted that the site is accessible by walking and public transport, and a residential travel pack will be issued to each household upon first occupation to promote sustainable transport.

In terms of parking and highway considerations, the Highway Authority have been consulted on this application. The Highway Authority comment that from a highway and transportation perspective the development is acceptable subject to conditions. The conditions recommended include the provision of a construction method statement (CMS), however a CMS has already been submitted with this application. In this regard the Highway Authority has subsequently commented that the submitted CMS is acceptable. No objection is therefore raised on this basis and no such condition is therefore needed in this regard.

Other conditions that are necessary and reasonable that have been recommended by the Highway Authority include that the development should not be occupied until the parking area has been surfaced and marked out in parking bays, that the powered two wheeler and cycle parking must be provided prior to occupation, and shall be constructed in accordance with the parking standards, that there should be no discharge of surface water onto the highway and that the visibility splays should be provided.

The Highway Authority have also requested a condition be imposed that requires the headroom to the parking courts require a minimum of 2.1m. However, the submitted plans indicate that parking court access and undercroft parking areas exceed 2.1m in height (around 2.5m) and as such, such a condition is not required in this instance. This is also the case for the condition recommended by the Highway Authority in terms of the bay sizes of the parking spaces.

The Highway Authority have requested travel information packs which the applicant states in the submission will be provided to encourage sustainable transport. To further encourage sustainable transport, the Highway Authority require the developer to install a real time passenger information facility at the nearby bus stop. Subject to such a condition, no objection is raised on this basis.

As such, whilst it is noted that the proposal provides 14 parking spaces less than the parking standards require, given the information submitted, the sustainable location of the site and the Highway Authority comments, whilst it is noted that parking is problematic in the area, it is not considered that this proposal would result in any significant harm to highway safety as a result of this small under-provision of parking. Subject to the appropriate conditions as outlined by the Highway Authority above, whilst the neighbour concerns are noted, no objection is raised on this basis.

Flooding and drainage

The application was originally submitted with a Drainage Statement Report (ref. 150235/TG/PH Rev.1.4). However, ECC LLFA (Essex County Council Lead Local Flood Authority) originally raised concerns regarding the development and objected to the proposal, commenting that the surface water drainage strategy was inadequate. Following receipt of these comments, the applicant submitted a revised drainage statement report (ref. 150235/TG/PH Rev. 1.5).

The revised drainage report indicates that various methods to control surface water peak flows at the source will be utilised to reduce the overall peak demand on the existing sewer network to alleviate direct discharge of surface water to the sewers and watercourse. This proposal seeks to utilise a combination of concrete pipes and manholes and privately maintained permeable pavements and cellular tanks within the communal areas.

Following submission of this revised drainage statement report, the ECC LLFA have now raised no objection to the proposal, subject to conditions. Subject to the conditions recommended no objection is therefore raised on this basis.

Trees, landscaping and ecology

In terms of trees and landscaping, the application has been submitted with a landscape masterplan and an arboricultural impact assessment. There are 2 trees on the site that are protected by a Tree Preservation Order. The existing site benefits from trees and vegetation mainly located on the boundaries of the site.

As part of this proposal it is sought to retain but carry out some pruning works to the two protected trees on the northern boundary and to remove the trees and bund adjacent to The Gables, although new planting will be subsequently undertaken on this boundary. Some trees on the southern boundary with Evelyn Walk will also be removed and the eastern boundary trees are to be removed and replaced. However, the arboricultural report submitted indicates that the trees to be removed have low to moderate amenity value only. The trees that are to be retained will be protected during construction and any new hardstandings and boundary walls within the root protection areas (RPAs) will be carefully designed and constructed.

New planting proposed includes a formal 1.5m high beech hedge on the western boundary adjacent to The Gables, a row of conifer and deciduous trees on the eastern boundary, with ornamental and new planting within the site. The developer will also be providing a S106 contribution for off-site tree planting, given that some trees on the north-eastern corner of the site will be lost as a result of this development.

The Council's Tree Officer has commented that the arboricultural and landscape details will maintain and improve the planted component of the development. No objection is therefore raised on this basis. Details of the hard and soft landscaping are included in the Design and Access Statement, subject to a condition requiring the development to be constructed in accordance with these details no further landscaping conditions are required.

In terms of ecology, the application has been submitted with a habitat survey, which concludes that the proposal is unlikely to affect any designated sites and recommends that whilst the proposal will not harm or require any further surreys for invertebrates, amphibians, badgers, otters, water voles or white clawed crayfish and that it is not anticipated that any other legally protected species will be impacted by this development, that a reptile and a bat survey are required. The habitat survey also recommends that vegetation clearance occurs outside the bird nesting season or if not possible, an ecologist will need to check for nesting birds prior to clearance.

As a result of this ecology survey, this application has been submitted with a bat and a reptile survey.

The bat survey submitted concludes that no bat roosts were recorded and it is unlikely that bats are roosting on the site and the development is unlikely to result in the loss of any bat roosts. Bat foraging activity on the site was very low and the site is not of significant importance to local bat populations. However, the report recommends some mitigation measures such as through landscaping and provision on bat boxes and minimise levels of artificial light. In terms of reptiles, the reptile survey submitted concludes that no reptiles were discovered during the surveys undertaken.

The Essex Badger Group has commented that there are no details of badger setts or activities within the site, but comments that a badger survey should be undertaken on this site. However, the ecology report found no evidence of badgers on the site, such as footprints, latrines, hairs or snuffle holes. There was no evidence of badgers accessing the site along any of the boundaries and no badger setts present or immediately adjacent to the site. As such, it is not necessary to require the applicant to undertake a badger survey for this site.

Subject to a condition requiring the development to be completed in accordance with the ecology, bat and reptile surveys submitted no objection is therefore raised on this basis.

S106 planning obligations

The Planning Statement submitted indicates that S106 contributions will include the affordable housing provision, a contribution towards the nearby play spaces, a contribution towards the planting of trees within the vicinity of the site and a contribution towards highways works in the vicinity of the site. In this case, the Highway works can be secured by condition, as such, subject to a S106 agreement requiring the necessary contributions for affordable housing, open space and off-site tree planting it is considered that the relevant policy and infrastructure requirements will be met. In terms of open space and play equipment, S106 discussions are still ongoing with the developer yet to agree the exact amounts to be paid in this regard to the Council and it is therefore recommended that the sum to be agreed is delegated to the Head of Planning subject to a resolution for approval.

Other matters

The majority of the neighbour comments received and the comments from the Ward Cllr have already been considered including; density, height and design, residential amenity consideration and parking and highway safety considerations. In terms of concerns raised about light pollution, given the existing developed nature of the surrounding area, it is not considered that any light pollution caused as a result of this development would be material. The sustainability statement submitted also indicates that the whole scheme will be designed to reduce light pollution. In terms of concerns about air pollution, the EHO has raised no objection on this basis. In terms of the money the Council will receive from this site and what this will be spent on, this is not a material planning consideration and is a matter for the asset department/Council, rather than the Local Planning Authority. With regard to the Cllr's comments that the area should be made a residents parking area, this would be a matter for the Highway Authority and cannot be a condition of this development.

Conclusion

This proposal will result in the redevelopment of a redundant, brownfield site in a residential, sustainable area. The provision of 50 units on the site, including a large number of smaller sized units (1 and 2 bed apartments) and a provision of 36% affordable housing on-site will help to boost the supply of market and affordable housing in the Borough. The development constitutes sustainable development and subject to conditions and a S106 legal agreement, the application is recommended for approval, in accordance with the NPPF's presumption in favour of sustainable development.

7. Recommendation

The Application be APPROVED subject to completion of a Section 106 Agreement and to the following conditions:-

1 U11810

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 U11811

The development hereby permitted shall not be carried out except in complete accordance with the approved drawings, specifications and documents listed above.

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

3 U11906

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

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

4 U11812

The development shall be finished in Hanson blue smooth with coloured mortar to match with a bucket joint and the approved buff brick as per condition 3 above, with coloured mortar to match with a bucket joint, metal profile roofing panels and grey UPVC or metal windows only as shown on drawing number 8128/06 without the further formal consent of the Local Planning Authority

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

5 U11813

Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

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

6 U11814

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows, glazed doors or rooflights shall be constructed without the prior grant of specific planning permission by the local planning authority.

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

7 U11815

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.

8 U11816

In view of the report produced by Geosphere Environmental Ltd; 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 commencement of any development of the site. The agreed remediation scheme will be implemented and completed to the satisfaction of the Local Planning Authority 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. 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. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. 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.

9 U11817

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. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. 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.

10U11819

The development hereby permitted shall not be carried out except in complete accordance with the construction method statement submitted with this application, without the further formal consent of the local planning authority.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt and in the interest of the residential amenity of the adjoining residents.

11U11820

The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on the approved plans 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.

12U11821

The cycle parking facilities as shown on the approved plans for the proposed flats are to be provided prior to the first occupation of the development and retained at all times without the further formal consent of the local planning authority.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity and to encourage sustainable transport choices.

13U11822

Cycle parking facilities for the proposed houses shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all time without the further formal consent of the local planning authority.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity and to encourage sustainable transport choices.

14U11823

The powered two wheeler parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development and retained at all times without the further formal consent of the local planning authority.

Reason: To ensure appropriate powered two wheeler parking is provided in the interest of highway safety.

15U11824

Prior to commencement of the development, excluding demolition and enabling works, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the compass point in each direction, as measured from and along the nearside edge of the carriageway as per drawing number C700 Rev P1. Such vehicular visibility splays shall be provided before the site access 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 / access and those in the existing public highway in the interest of highway safety.

16U11825

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.

17U11826

The development hereby approved shall not be occupied until the developer has provided a Real Time Passenger Information facility at the nearby northbound bus stop on The Drive, the details of which shall be submitted to and approved in writing by the local planning authority prior to its installation.

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

18U11827

Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local public transport operator, the details of which shall be submitted to and approved in writing by the local planning authority prior the occupation of any of the units.

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

19U11828

No development excluding demolition and enabling works, shall take place until a detailed surface water drainage scheme for the site, based on the approved surface water drainage strategy, sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. 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.

20U11829

No development excluding demolition and enabling works, shall take place until further ground investigation has taken place, during winter months (between December and April), to demonstrate that ground water levels do not pose a significant risk to the development. Following ground investigation, if necessary, a scheme for appropriate mitigation of ground water flood risk should be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to occupation.

Reason: To mitigate against groundwater flooding by ensuring that sufficient information is in place to fully understand the risk associated with the development. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. 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.

21U11830

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. 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.

22U11831

Prior to the occupation of the development the applicant must submit to and have approved in writing, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies to the Local Planning Authority.

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

23U11832

The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

24U11833

The replacement trees to be planted on the eastern boundary adjacent to the dwellings in Gibraltar Close shall be planted within 1 month of the removal of the existing trees, unless formally agreed by the further formal consent of the local planning authority.

Reason: In the interests of the character and appearance of the area and the residential amenity of adjoining residents.

25U11834

The development hereby permitted shall not be carried out except in complete accordance with the recommendations of the ecology, reptile and bat survey and arboricultural impact assessment submitted, without the further formal consent of the local planning authority.

Reason: In the interests of ecology and biodiversity and the visual amenity of the area.

26U11835

Additional drawings that show details of proposed windows, eaves and roof profiles, balconies and brick relief detail to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing prior to their installation. The development shall be carried out in strict accordance with the approved details.

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

27U11836

The development hereby permitted shall not be carried out except in complete accordance with the hard and soft landscaping details included within this submission, including those submitted within the Design and Access Statement, without the further formal consent of the local planning authority.

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

28U11873

No development above ground level shall take place until sample panels of both bricks proposed of no more than 500mm in height have been erected on site to show areas of the new, exterior walling and have been approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

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

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: LT8, H14, H6, H9, CP1, T2, C7 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 U02760

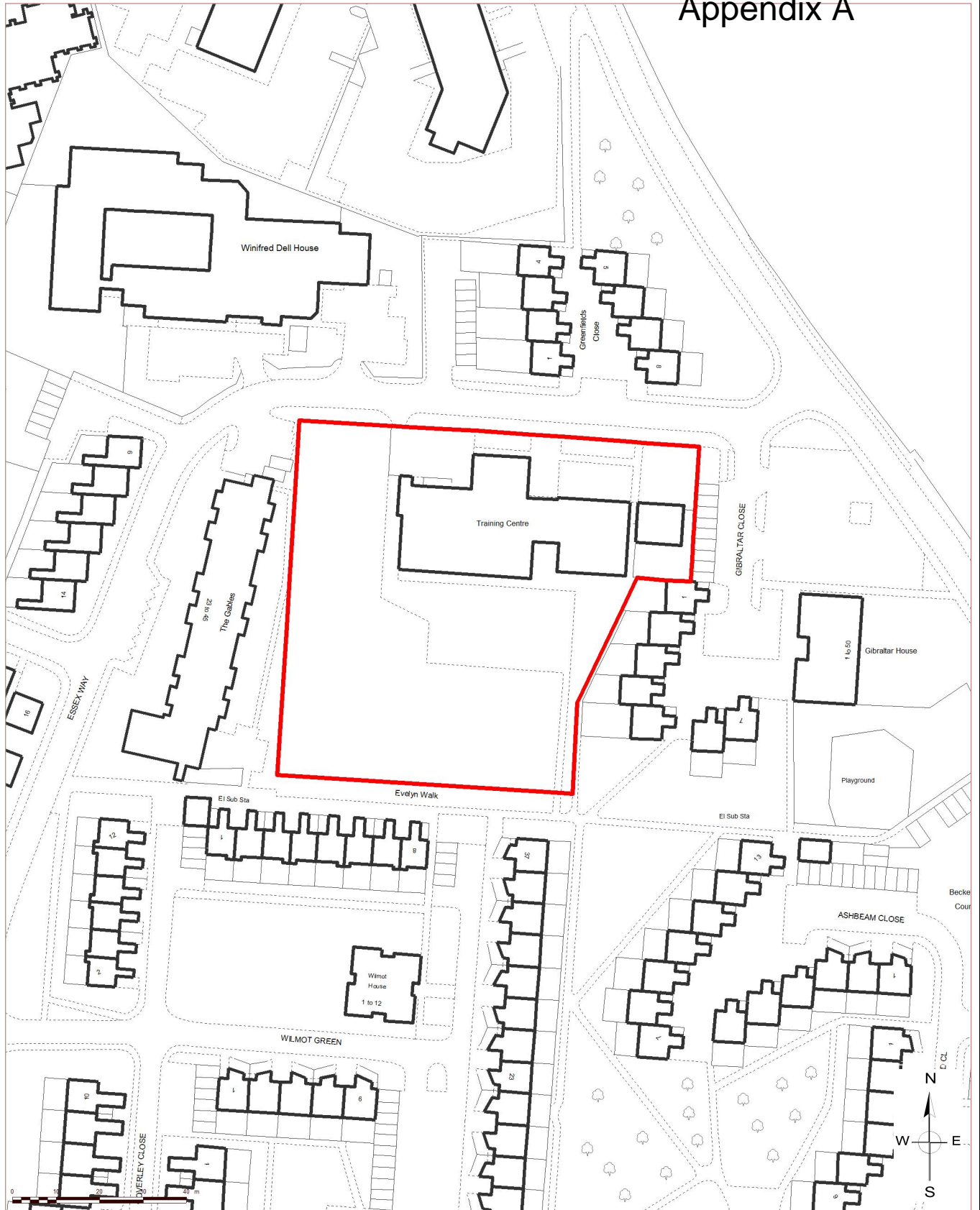
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex CM13 3HD.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : The Brentwood Training Centre, Essex Way, Warley

15/01379/FUL

Scale at A4 : 1:1250

Date : 19th January 2016

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



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SITE PLAN ATTACHED

06. 3 CLIVEDEN CLOSE SHENFIELD ESSEX CM15 8JP

FIRST FLOOR FRONT EXTENSION, HIPPED ROOF TO REPLACE FLAT ROOF, THREE DORMERS TO REAR AND REMOVAL OF THE CHIMNEY. PART TWO STOREY AND SINGLE STOREY REAR EXTENSION TO INCLUDE ROOFLIGHTS.

APPLICATION NO: 15/01393/FUL

WARD	Shenfield	8/13 WEEK DATE	16.12.2015
PARISH		POLICIES	
CASE OFFICER	Ms Sukhi Dhadwar	01277 312500	
Drawing no(s) relevant to this decision:	01; 02; PS2916.1; PS2916.2; PS2916.3; 03 - SECOND FLOOR; 04 - EXISTING;		

This application was referred by Cllr Clark for consideration by the Committee. The reason(s) are as follows:

Concerns are that policies are being interpreted subjectively rather than objectively so that the difference between what is refused in this case and has been allowed in neighbouring houses is not clear.

1. Proposals

This application is a resubmission of the previously refused scheme under 15/00979/FUL. The applicant did not request any post application advice in relation to that refusal and instead has resubmitted the same scheme without any further amendments. The comments made within the previous application therefore still stand.

Permission is sought to remodel the front of the house to create a first floor above the forward projecting part of the garage with a hipped roof. This addition would project from a vertical extension of the main front wall of the house which would also have a hipped roof. A third hipped roof is proposed to replace the flat roof of an existing dormer. Further alterations are proposed to the rear roof plane where two narrow gabled dormers are proposed towards each side of the roof with a wider flat roofed dormer with heavy cornicing between them.

A two storey rear extension is proposed to "square off" the north east corner of the house together with a full-width single-storey rear extension. All materials are proposed to match the existing.

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.

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.

H17 (Dormer Windows) will not permit dormer windows which are out of scale and poorly related in design to the roof in which they will be installed. Dormers should be subsidiary rather than dominant feature of the roof, be set in from any wall of the property and be below the ridge height.

3. Relevant History

- 15/00423/FUL: Construction of a detached outbuilding -Application Permitted
- 15/00979/FUL: First floor front extension, hipped roof to replace flat roof, three dormers to rear and removal of the chimney. Part two storey and single storey rear extension to include rooflights. -Application Refused

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 no responses had been received.

5. Consultation Responses

- **Design Officer:**

The existing property is located within a characterful residential location in close proximity to Shenfield. The context of the site evidences a variety of dwellings, a mix of bungalows, houses and chalet style dwellings with a fairly consistent scale and use of local vernacular materials e.g. brick and render. The existing property of 3 Cliveden Close is characterful, derived of Arts and Crafts architecture with accentuated roof lines and well proportioned openings.

Having now assessed this current submission I raise objection on Design Grounds to the proposals within this application. In the first instance the treatment at the principle frontage is contextually inappropriate and of poor design; the introduction of pitched/hipped elements and associated gables is adding a disproportionate weight of form into the roof plane; this would be highly visible in the street scene and harmful to the local distinctiveness of the location. In addition to the introduction of these forms the new fenestration is not sufficiently considered; e.g. the third storey window (casement) and indeed the whole hierarchy of fenestration has not been successfully approached under this current scheme. Furthermore, there are issues with the rear elevation and the design intent; although less visible from the public realm the rear fenestration and confusion of styles is particularly evident, e.g. a flatted central dormer adjacent to two pitched dormer elements is proposed - this is over dominant in the roofscape and should be reconsidered.

In terms of detail intent the existing elements which contribute to the character of the existing property are proposed to be removed e.g the tile creasing at the existing garage (as shown on the existing drawings) will be removed to facilitate the two storey front gable; I advise even should the two storey gable be accepted in planning terms, the diminution of characterful details is not led by a strong design intent - it is simply not considered sufficiently.

Consequently there are fundamental issues with the Design proposed, particularly at the frontage, these cannot be overcome through the application of Conditions. The cumulative impact of poorly designed elements within this domestic dwelling I advise will be harmful to the character of the area.

In summary I advise this application is not one of Good Design in accordance with National Policy. I recommend this application for refusal.

6. Summary of Issues

The main issues in relation to this application are:

Impact on the character and appearance of the site and surrounding area;
Impact on the living conditions of surrounding residential properties

Character and appearance

Cliveden Close is fronted by a variety of houses, bungalows and chalets. The buildings are finished in combinations of brick, tile and render and in the vicinity of the appeal property a number of the dwellings, including No 3, have low eaves lines, small dormers and eaves and window detailing which creates an attractive "Arts and Crafts" feel which is characteristic of parts of Shenfield.

The proposal would increase the area of the vertical surfaces at the front of the building and extend these above the original eaves line. The introduction of three hipped roofs of different sizes and different eaves levels together with a front-facing half gable would result in a poorly designed and disjointed appearance at the front of the house. The additional area and height of the front facing walls, together with the bulk of the hipped roofs would result in an unbalanced and assertive appearance that would materially detract from the character and appearance of this attractive dwelling and would fail respond to the distinctiveness of this part of Shenfield.

The rear of the house is not open to general public view; however the proposal would result in the rear roof plane being dominated by two different designs of dormer window neither of which have any regard to the design and character of the host dwelling. The rear dormer would conflict with RLP Policy H17 which indicates that dormer windows should be subsidiary rather than dominant features of roofs and that those which are out of scale and poorly designed will not be permitted.

The proposal would unacceptably detract from the character and appearance of the dwelling and the immediate area and would not accord with the objectives of RLP Policy CP1 (i) and (iii) as regards the character and appearance of new buildings. The dormers would conflict with RLP Policy H17 which indicates that dormer windows should be subsidiary rather than dominant features of roofs and that those which are out of scale and poorly designed will not be permitted. The proposal would conflict with one of the objectives of the National Planning Policy Framework which indicates that planning should always seek a high quality of design and that new development should reflect local distinctiveness.

These findings are supported by the Design Officer who in her detailed appraisal of the application noted above considers that the proposed extension will result in a development which will be both incongruous to the application property and will undermine the character and appearance of the wider street scene.

The applicant has raised the example of number other front extensions within this road. The most recent being 4 Cliveden Close which was originally built to the same design as that at number 3 Cliveden Close, but which has since been extended by the addition of a part two storey and part single storey front extension and rear dormers. These extensions were approved under reference planning permission reference 08/00665/FUL. This approved design respects the existing eaves level of the original house and provides additional space to provide a stair case into the second floor. The applicant and agent have already been advised of alternative designs which would be acceptable, however these suggestions were not taken up.

Living conditions

The house at No 3 is stepped back from the neighbouring house to the south east (No 2) and is positioned forward of No 4. However the house at No 2 has been extended at the rear to with its rear wall being just over 1m forward of No 3. The single storey rear extension would be off-set from the boundary by about 1m and would extend back 3.3m from the existing rear wall. It would lie to the north west of the garden of No 2 and it is considered that it would not have an unacceptably harmful effect on light or outlook at the rear of No 2. The two-storey infill and single storey addition would be alongside the flank wall of No 4 and would have no adverse effect on the occupiers of that property. Main windows face to the front and rear and the proposal would not result in unacceptable overlooking.

The proposal would not conflict with Policy CP1 (ii) of the Brentwood Replacement Local Plan which indicates that developments should not have an unacceptable impact on the amenities of nearby occupiers. It would not conflict with one of the core principles of the National Planning Policy Framework which indicates that a good standard of amenity for all existing and future occupants of land and buildings should always be sought.

Conclusion

The application has not demonstrated any new material consideration to override the original reason to refuse this development under reference 15/00979/FUL.

The original objections raised therefore still stand. The reasons for those objections are based on sound design principles which are embedded in both local and national planning policy. The development would be unacceptably harmful to the character and appearance of the host dwelling and the immediate area, in conflict with Local and National Planning Policy.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U11874

The proposal would result in a poorly designed and disjointed appearance at the front of the house that would result in an unbalanced and assertive appearance and poorly designed and uncharacteristic rear dormers that would materially detract from the character and appearance of this attractive dwelling and would fail respond to the distinctiveness of this part of Shenfield. The dormers would conflict with RLP Policy H17 which indicates that dormer windows should be subsidiary rather than dominant features of roofs and that those which are out of scale and poorly designed will not be permitted. The proposal would not accord with the objectives of RLP Policy CP1 (i) and (iii) as regards the character and appearance of new buildings. It would conflict with one of the objectives of the National Planning Policy Framework which indicates that planning should always seek a high quality of design and that new development should reflect local distinctiveness.

Informative(s)

1 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.

2 INF05

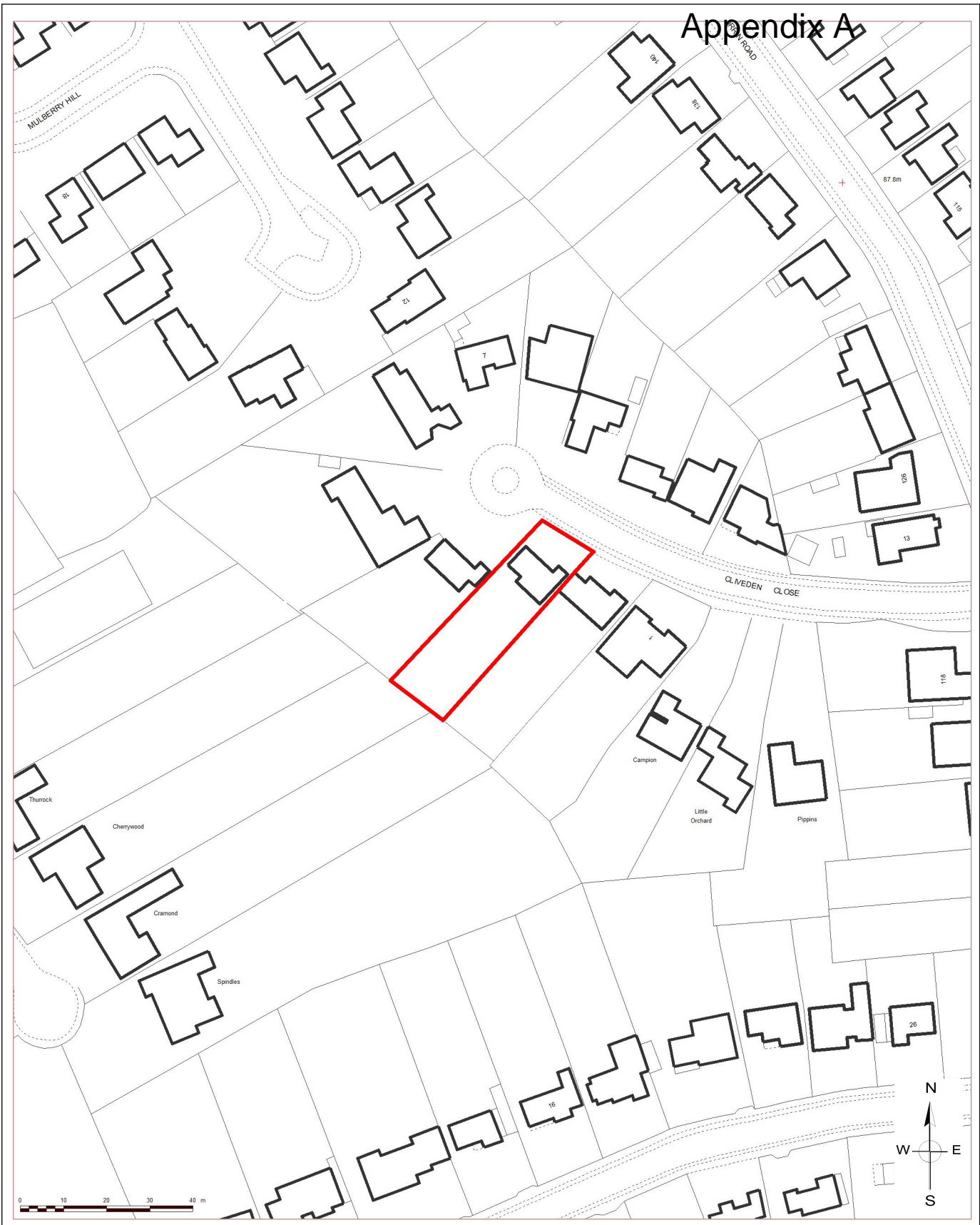
The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H17 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF20

The drawing numbers listed above are relevant to this decision

BACKGROUND DOCUMENTS

DECIDED:



Title : 3 Cliveden Close, Shenfield

15/01393/FUL

Scale at A4 : 1:1250

Date : 19th January 2016

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



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SITE PLAN ATTACHED

**07. LAND ADJACENT ROSNEATH HUNTERS CHASE HUTTON ESSEX CM13
1SN**

PROPOSED 3 BEDROOMED DWELLING.

APPLICATION NO: 15/01444/FUL

WARD	Hutton East	8/13 WEEK DATE	09.12.2015
PARISH		POLICIES	NPPF NPPG GB1 GB2 GB9 CP1 T2
CASE OFFICER	Mrs Charlotte White	01277 312500	

Drawing no(s) relevant to this decision: 01; DESIGN & ACCESS STATEMENT; 02; 03;

This application was referred by Cllr Hossack for consideration by the Committee. The reason(s) are as follows:

I have no concerns about the application. It is a redundant building plot that already has a double garage on it. It is surrounded on all 4 sides by dwellings and will have no impact on the openness of the Green Belt. The area is designated as Green Belt and I have long argued the application of Green Belt Policy in this area is a misnomer and hopefully this will be addressed under the new Local Plan. In light of the proposed relaxation of policy on sites such as these I anticipate a recommendation for approval if the application is considered in the context of the new Local Plan. Small infill sites such as these will cumulatively have a positive impact on our house building targets and reduce the necessity to build in truly open Green Belt.

Neighbouring properties are supportive and will see this as an enhancement to their neighbourhood. There is no impact on visual or residential amenity and the building has been designed to be in-keeping and not overbearing on neighbouring properties whilst providing a good sized family home. It has its own onsite parking and there are no access issues and no trees will be affected.

The Council has previously approved new dwellings on empty plots in Hunters Chase and side roads. The immediately adjoining property is a recent new build. A new dwelling on an empty plot at OOKares (13/00894/FUL) on Hunters Chase was approved by planning committee on the 5th November 2013.

1. Proposals

Planning permission is sought to demolish the existing detached double garage at the site and to construct a detached three bedroom bungalow on the site.

2. Policy Context

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise: the Brentwood Replacement Local Plan 2005. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material consideration in planning decisions.

GB1 - New development
GB2 - Development criteria
GB9 - Haverings Grove
CP1 - General Development Criteria
T2 - New Development and Highway Considerations

NPPF
Chapter 4 - Promoting sustainable transport
Chapter 7 - Requiring good design
Chapter 9 - Protecting Green Belt Land

3. Relevant History

- 15/00571/FUL: Construction new 3 bed dwelling. -Application Refused
- 90/00686/FUL: Extension To Existing Front And Rear Dormers. -Application Permitted
- 90/00668/FUL: Detached Garage -Application Refused

4. Neighbour Responses

4 neighbour letters were sent out and a site notice displayed. 1 letter of support has been received from Cllr Hossack which makes the following comments:

- Application whilst in the Green Belt is on a building plot.
- Same as Oo Kares that was permitted.
- Historic land plans show this land as a building plot.
- Site is generally scruffy and already has built form on it in the form of a large garage.
- Supportive of proposal to provide a sensibly sized family home on the site.

- Have argued that Green Belt Policy in this area is irrelevant.
- Is not open Green Belt the plot being surrounded on all 4 sides by housing.
- The Green Belt designation is incorrect.
- Need additional housing and this plot is a scruffy waste of space.
- Need to apply common sense and put a family home on the plot.

5. Consultation Responses

- **Highway Authority:**

Hunters Chase is a private road; therefore from a highways and transportation perspective, the Highway Authority has no comment to make on this proposal.

- **Arboriculturalist:**

15/01444/FUL - there is no reference to trees on site and no plans or details referring to trees I am therefore unable to comment

6. Summary of Issues

The application site is located on the western side of Hunters Chase. The application site currently forms part of the curtilage of the dwelling known as Rosneath; comprising part of the garden of Rosneath and there is a double detached garage on the application site. The site is located within the Green Belt and as such the main considerations in the determination of this proposal are; Green Belt considerations, sustainability, design and character of the area, residential amenity, living conditions, parking and highway considerations and landscape considerations:

Relevant history

Planning permission was sought for the construction of a 3 bedroom dwelling on this site (ref. 15/00571/FUL). The dwelling previously proposed under 15/00571/FUL was refused permission by the Council for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt which would materially detract from the openness of the Green Belt and represents encroachment of development into the countryside contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.
2. The occupiers of the new dwelling would be likely to rely on private vehicles for a high proportion of all journeys. This would directly conflict with paragraph 35 of the National Planning Policy Framework which indicates that developments should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

3. The new dwelling would materially detract from open and sporadic plotland character of the area and would result in the further urbanisation of the plotlands, contrary to Chapter 7 of the National Planning Policy Framework and Policies CP1(i) and CP1(iii) of the Replacement Local Plan 2005.

4. Other matters that may weigh in favour of the proposal have been considered but they do not clearly outweigh the harm to the Green Belt and the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist, contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

The dwelling currently proposed is larger than the dwelling refused under ref. 15/00571/FUL with the refused dwelling having a footprint of some 135 sq. m compared to the current proposal of 193 sq. m. The height of the dwelling proposed now is also around 0.9m higher than the refused scheme.

Green Belt Considerations

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 in Green Belt with some exceptions including:

- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

With regard to the first bullet point above, this site is not included in any Local Plan Policy which allows infilling in the Green Belt. The Council has such a Policy; Policy GB4 which allows within established areas of frontage ribbon development new residential development on genuine infill plots. However, this site forms part of a plotlands area, not a ribbon development and is not specifically identified as a site in Policy GB4.

The term limited infilling is not defined in the NPPF but is generally understood to mean the filling of a small gap in an otherwise developed frontage. Within the wider area around the site, there is no continual frontage, however, there are dwellings to the immediate north and south of the site. The plot width proposed is approximately 14.5m. The plot widths of the adjoining dwellings in this row vary from some 7m - 17m and as such the width of the plot is commensurate with other residential plot widths in the immediate area. The proposal is for a single dwelling, as such the proposal would constitute limited infilling.

However, the site also has to be located in a village to satisfy this exception to inappropriate development. In this case, the site is located within the Havering Grove area, which is an old plotlands area of fairly sporadic housing. As such, the Havering Grove plotlands could not be described as a village. The proposal does not therefore meet the first exception to inappropriate development cited above.

In terms of the second bullet point above, the site does not constitute previously developed land (PDL); the definition of previously developed land contained in the NPPF specifically excludes land in built up areas such as private residential gardens. It is arguable whether the area containing the application site is 'built up' but it is considered that the spirit of that definition would exclude the garden area of Rosneath as PDL. Even if it was PDL the NPPF indicates that it should not be assumed that the whole of the curtilage of PDL should be developed.

In the event that the site amounts to PDL consideration must also be given to the effect of the proposal on the openness of the Green Belt, and how the new built form compares to the existing in terms of size. The new dwelling would have a footprint of almost 6x bigger than the existing garage on the site. Given the size of the proposed building on the site, the proposal would result in material harm to the openness of the Green Belt and would result in the encroachment of development into the Green Belt, thereby conflicting with one of the purposes of including land in the Green Belt and in conflict with one of the fundamental purposes of the Green Belt.

The proposal therefore constitutes inappropriate development in the Green Belt as set out in National Planning Policy and Local Plan Policy.

Very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm must therefore be demonstrated in order to overcome that harm.

Openness and purposes of including land in the Green Belt:

The new dwelling would be materially larger and bulkier than the existing garage on the site and would therefore materially harm the openness of the Green Belt, contrary to National and Local Planning Policy. The larger building on the site would also result in the encroachment of development in the Green Belt and would therefore also conflict with one of the purposes of including land in the Green Belt, contrary to National and Local Planning Policy.

Character of the area:

The pre-ambles to Policy GB9 states that Havering Grove is the most established of the Borough's formal plotlands and seeks to restrict replacement dwellings and extensions eroding the open character of the area. Although this policy does not strictly refer to new buildings (because the principle of new dwellings is controlled by Green Belt policy) it is clear that the intention of this policy is to prevent a full-scale change of the area by introducing new development into a low-profile, spatially open area with sporadic development.

While the design of the building itself is innocuous, the introduction of a new dwelling will result in the reduction of the spatial quality of the area, and by association, introduce additional domestic paraphernalia thereby eroding the open sporadic plotland character of the area and result in further urbanisation of the plotland area, in conflict with Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

Sustainability of location

Paragraph 55 of the NPPF considers development in rural areas and indicates that housing should be located where it would enhance or maintain the vitality of local communities. Local planning authorities should avoid granting permission for new isolated homes in the countryside. The term 'isolated' is not defined. In extreme examples it could mean remote from any other dwellings, which would not apply here; however, the term could reasonably be applied to dwellings which, whilst close to others, are remote from services and public transport.

The site is located to the south of Rayleigh Road; some 360m from Rayleigh Road. Rayleigh Road is served by a bus service. However, there are only a few local services nearby in Rayleigh Road such as a garden centre and children's day nursery. However, there is no pavement on Hunters Chase, discouraging any future residents from walking to and from the site. Given the location of the site and the limited number and nature of the nearby services, it is considered that a high proportion of all journeys to and from the dwelling would be made using private vehicles. This would directly conflict with paragraph 35 of the NPPF which indicates that development should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

The proposal would conflict with a fundamental objective of the NPPF which indicates that sustainable solutions should be found for development.

Residential amenity

In terms of overlooking, this proposal is for a bungalow and as such only ground floor windows are proposed. The front windows would be located a minimum of 9m from the front boundary of the site and would be significantly removed from the dwelling opposite and would not therefore result in any undue overlooking or loss of privacy in this regard.

The rear windows would be located only 8m from the rear boundary of the site, however, given that the windows are at ground floor level only and given that the plans indicates that a 2m high fence will be erected on the rear boundary, the proposed rear windows would not result in any undue overlooking or loss of privacy. The ground floor side windows proposed would also be screened by the existing and proposed boundary treatments.

Subject to a condition requiring no first floor accommodation to be constructed it is considered that the proposal would not result in any material overlooking or loss of privacy.

In terms of an overbearing impact, the proposed new dwelling would extend 5.2m beyond the main rear wall of Rosneath, and some 1.4m beyond the existing single storey rear extension at Rosneath. The flank wall of the new dwelling would be located some 6m from the flank wall of Rosneath. Given this degree of separation it is not considered that the proposal would result in any significant or demonstrable harm to the living conditions of Rosneath in terms of dominance, an overbearing impact or loss of light and outlook.

Tangye is the dwelling located to the north of the site. The proposed new dwelling would extend some 3.6m beyond the existing rear wall of Tangye. An isolation space of 2.2m is provided between these two dwellings. Such a relationship is acceptable and it is not considered that the proposal would result in significant or demonstrable harm to the residential amenity of Tangye in terms of dominance, overbearing impact, loss of outlook or loss of light as a result of this development.

Living conditions

Adequate sized gardens will be provided to the existing and proposed dwelling and both dwellings will be provided with off-street parking. All habitable rooms in the new dwelling will be provided with windows to provide light, outlook and ventilation. The proposal therefore provides adequate living conditions for any future occupiers of the site.

Parking and highway considerations

The Highway Authority has commented that because Hunters Chase is a private road, from a highway and transportation perspective the Highway Authority has no comment to make.

This proposal will result in the loss of the double garage at Rosneath, however, a site visit has been undertaken and it is apparent that there is space at the front of the site for parking. As such, sufficient parking will be provided to the existing dwelling.

The new dwelling proposed will be provided with access and parking for two vehicles.

As such the parking provisions at both the existing and proposed dwellings is considered acceptable and no objection is therefore raised on this basis.

Landscaping considerations

The Tree Officer comments are awaited. However, the Tree Officer previously raised no objection to the proposal under ref. 15/00571/FUL. It is considered that the proposal would not have any adverse impact on existing trees in the area. However, given the nature of the proposal, it is considered necessary to condition any grant of consent to require a landscaping scheme to be submitted. Subject to such a condition, no objection is therefore raised on this basis.

Other considerations and Green Belt balance

The site is located in the Green Belt and it has been concluded that the proposal would constitute inappropriate development in the Green Belt, would result in material harm to the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt. The proposal would significantly and demonstrably harm the character of the plotland area as it would reduce the open and sporadic nature of the area and would be unsustainable, with the majority of trips to and from the site likely to be undertaken by private vehicles.

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.

The Council cannot currently identify sufficient land for housing that would satisfy the requirements of the Framework. However the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt. It is considered that there is no reason why this approach should not apply to this proposal. Any new development represents a boost to the local building and supplies industries and the additional dwelling would make contribution to the local housing stock, albeit a very limited contribution. However, these benefits of the proposal do not clearly outweigh the significant harm identified.

As such, the Council's lack of 5 year housing supply would not outweigh the harm identified and would not constitute the very special circumstances required to outweigh the harm identified.

In the Design and Access Statement, the Agent refers to previous applications for extensions and replacement houses in the area, however, these are not directly comparable. Reference is also made to the permission granted for a new dwelling at Oo Kares, and refers to information about bus services, and letters of support from residents. However, none of these either individually or taken together amount to 'very special circumstances' that clearly outweigh the harm identified.

Other Matters

Attention is drawn to a new dwelling granted planning permission under reference 13/00894/FUL - Oo Kares, Foxes Grove - construction of 1x 3-bed dwelling on land adjacent Oo Kares approved by the Planning Committee in 2013 against the recommendation of officers. However, since that time the Council has refused permission for a new dwelling on the application site as it represents inappropriate development in the Green Belt - that determination is a material consideration in the decision making process of this current application and considerable weight should be attached to it.

In another example planning permission was refused by the Council for the construction of a single storey dwelling at land on the north side of Rayleigh Road Woodside (ref. 13/01213/OUT) on Green Belt grounds. Although not within the plotlands, the characteristics of that site are not dissimilar to that proposed here, where the applicants case relied on the site being surrounded by existing development. In dismissing the appeal, the Inspector concluded that little weight could be given to that argument, since the site and its surroundings are essentially within an area of countryside, both physically and in terms of planning policy - like many rural areas on the outskirts of settlements it contains a number of dwellings, other buildings and commercial uses which serve the local community.

While each case must be decided on its own merits, officers are of the view that planning policy makes it clear that even to overcome policy harm, the physical features of the Green Belt are not in themselves a justification for allowing inappropriate development in the greenbelt, no matter how well merited or innocuous the development may appear, as cumulatively such development would unacceptably undermine Green Belt objectives.

Conclusion

The proposal would constitute inappropriate development in the Green Belt, would result in material harm to the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt. The proposal would significantly and demonstrably harm the character of the plotland area as it would reduce the open and sporadic nature of the area and would be unsustainable, with the majority of trips to and from the site likely to be undertaken by private vehicles. There are no very special circumstances that outweigh the harm identified and therefore no justification to allow this inappropriate development in the Green Belt. The application is therefore recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11707

The proposal constitutes inappropriate development in the Green Belt which would materially detract from the openness of the Green Belt and represents encroachment of development into the Green Belt contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U11708

The occupiers of the new dwelling would be likely to rely on private vehicles for a high proportion of all journeys. This would directly conflict with paragraph 35 of the National Planning Policy Framework which indicates that developments should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

R3 U11709

The new dwelling would materially detract from open and sporadic plotland character of the area and would result in the further urbanisation of the plotlands, contrary to Chapter 7 of the National Planning Policy Framework and Policies CP1(i) and CP1(iii) of the Replacement Local Plan 2005.

R4 U11710

Other matters that may weigh in favour of the proposal have been considered but they do not clearly outweigh the harm to the Green Belt and the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist, contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

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: GB1, GB2, GB9, CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

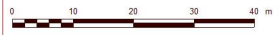
3 U02734

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and, 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 via pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Land adjacent to Rosneath, Hunters Chase, Hutton

15/01444/FUL

Scale at A4 : 1:1250

Date : 19th January 2016

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



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19th January 2016

Planning and Development Control Committee

Urgent Business- Article 4 Directions for Barrack Wood

Report of: Gordon Glenday, Head of Planning and Environmental Health

Wards Affected: Warley

This report is: Public

1. Executive Summary

- 1.1 Legal Services, in preparing the Article 4 for Barrack Wood as agreed at April Planning Committee has identified that the format of the Article 4 Direction in the earlier report needs to be updated to account for changes in the legislation. This report seeks authority to serve a new Article 4 Direction.

2. Recommendation(s)

- 2.1 **That an Article 4 Direction be authorised and served for Barrack Wood (see Map attached in Appendix A).**
- 2.2 **That authority be delegated to Head of Planning and Environmental Health, after consultation with the Chair and Ward Members, to issue and serve Article 4 Directions in relation to other woodlands in the Borough where deemed appropriate.**

3. Introduction and Background

- 3.1 In April 2015, the Planning and Development Committee agreed unanimously to serve an Article 4 Direction on Barrack Wood. Since this decision was made, it has become apparent that the Article 4 Direction approved by the Committee in April did not meet the current legislative requirements and so it is not valid. Members are therefore recommended to endorse the serving of an updated Article 4 Direction for Barrack Wood to reflect current legislation and the clear intention of the Planning Committee's April 2015 decision.

4. Issue, Options and Analysis of Options

- 4.1 Please see Appendix A.

5. Reasons for Recommendation

- 5.1 Please see Appendix A.

6. References to Corporate Plan

- 6.1 The Council's Corporate Plan, "A Vision for Brentwood" highlights the importance of protecting and enhancing Brentwood's attractive environment. This Article 4 Direction would help the Council manage permitted development within Barrack Wood and so help protect the environment for the wider community.

7. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email: 01277 312 542 / christopher.leslie@brentwood.gov.uk

- 7.1 There is no fee payable for planning applications where the only reason for the application is the withdrawal of PD rights by a Article 4 Direction.
- 7.2 The Local Planning Authority can be liable to pay compensation to those whose permitted development rights have been withdrawn but only if it subsequently: refuses planning consent for development which would otherwise be permitted development; or grants planning permission subject to more limiting conditions than contained in the order
- 7.3 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

Legal Implications

Name & Title: Daniel Toohey, Head of Legal Services

Tel & Email: 01277312 860 / daniel.toohey@brentwood.gov.uk

- 7.4 While Article 4 Directions are confirmed by local planning authorities, the Secretary of State must be notified and has wide powers to modify or cancel most Article 4 Directions. The County Council must also be notified.
- 7.5 The withdrawal of development rights does not necessarily mean that planning permission will be refused. It means only that applications have to be submitted so that so that the local planning authority can consider the proposals in detail and can then only determine the applications after consultation.
- 7.6 Legal Services are providing on going advice and assistance in the drafting and service of the Article 4 Direction.

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

7.7 Please see Appendix A.

8 Background Papers (include their location and identify whether any are exempt or protected by copyright)

8.1 Same as earlier report April 2015, including the 14th April 2015 Planning and Development Committee report entitled Article 4 Direction for Barrack Wood.

9 Appendices to this report

Appendix A – Report to Planning and Development Committee on
April 2015

Report Author Contact Details:

Name: Gordon Glenday, Head of Planning and Environmental Health
Telephone: 01277 312512
E-mail: gordon.glenday@brentwood.gov.uk

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Urgent Business

Dear Councillor

PLANNING AND DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH APRIL, 2015

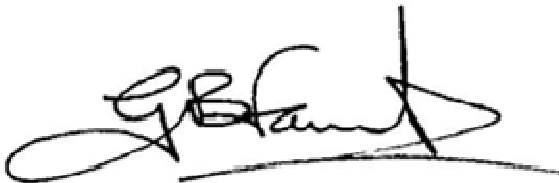
I am now able to enclose, for consideration on Tuesday, 14th April, 2015 meeting of the Planning and Development Control Committee, the following reports that were unavailable when the agenda was printed.

Agenda No Item

10. **Urgent business (Pages 3 - 18)**

Article 4 Directions for Barrack Wood, Warley

Yours sincerely



Chief Executive

Encs

14 April 2015

Planning and Development Control Committee

Urgent Business – Article 4 Directions for Barrack Wood, Warley

Report of: *Gordon Glenday*

Wards Affected: *Warley*

This report is: *Public*

1. Executive Summary

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.

- 1.5 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.

2. Recommendation(s)

- 2.1 That the Article 4 Direction shown in the Appendix be authorised and served.
- 2.2 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.

3 Introduction and Background

- 3.1 Woodlands Investment Management Company is a private company that is now pro-actively selling plots of woodland from both Barrack Wood and Burnt Wood on the open market. According to the company's website, people can purchase almost 4 and a half acres of Barrack Wood for £55,000. The website states that:

“Because the woodland is so special it has a tree preservation order on it and is protected by the local authority. This simply protects the woodland and does not prevent woodland management - free guidance is available from the Forestry Commission and other organisations”.

- 3.2 Under the heading Shelter, Sheds and Storage, the company's website declares that:

“You will enjoy spending days working and socialising in your woodland, but if you go frequently, you will soon find that there are some basic tools and bits of equipment that you would prefer to leave there. And with the British climate, there will inevitably be visits when you need to shelter from a rain storm, if only to eat your sandwiches. In our recent survey of about 150 owners of small

woodlands, we found that about half had installed some shelter or storage in their woodland”.

- 3.3 In relation to staying in the woodland overnight, the company’s website states that:

“It is also possible to bring a mobile caravan into your woodland and use it for storage, and if you like for overnight stays. There is no need to apply for permission beforehand, but you may not be allowed by the local authority to leave it there permanently and there is a regulation that you are not allowed to sleep there more than 28 nights in the year. If you are doing a lot of work, and need to stay more than that, you can get permission to do so as a “seasonal worker.”

- 3.4 Much of Brentwood is covered by a large area Tree Preservation Order of long standing. This needs review and eventual replacement. Two specific Tree Preservation Orders have been issued in respect of the Woodlands at Barrack Wood as part of the review process. Barrack Wood itself is an ancient woodland site which has been replanted.. It adjoins a Site of Special Scientific Interest in Hartswood, and may itself have irreplaceable habitat. The public interest requires careful management of the woodland, which must include a precautionary approach to works and management.

- 3.5 Given the statements on the company’s website, and the sensitivity of the woodlands, it is considered appropriate for the Council to consider removing the permitted development rights of owners of the woodland so that planning permission is required for all such development in the woodlands affected. It is important to clarify that applying the Article 4 Directions does not necessarily prevent the works referred to from happening in these woodlands – it simply requires a planning application to be submitted and approved before anything can happen.

4. Issue, Options and Analysis of Options

4.1 National legal and policy position

Substantial changes have been made to the national scheme of permitted development. The Town and Country Planning (General Permitted Development) Order 2015 comes into force on 15th April 2015. As well as consolidating a number of previous amending orders, the 2015 Order makes the following main alterations:

- For 3 years there will be a right to change from B8 use to C3, subject to prior approval;
- The previous time limit for larger rear extensions to dwelling houses has been extended to May 2019;

- Change of use from A1 and A2 uses to C3 will be permitted, with limited rights to build extensions subject to prior approval. Shops also will have a right to erect 'click and collect' facilities, and modify existing loading bays. Changes of use from A1 and A2 to D2 (Assembly and leisure will also be permitted);
- Amusement arcades and casinos will be able to change to C3. Betting offices and pay day loan shops will be removed from the use classes order;
- Permitted development rights are introduced for temporary filming;
- New permitted development rights are created for the installation of solar panels on non-domestic buildings;
- The existing time limited rights to extend shops, offices and warehouse buildings will be made permanent;
- New rights are introduced to replace plant and machinery on existing waste management sites, and there are new permitted development rights for sewerage undertakers.

The new order is generally more permissive subject to detailed limitations and requirements. The general position on Article 4 directions introduced in 2010 is maintained - there are two types of procedure: Orders which take immediate effect and those which only take effect after confirmation, and taking into account representations made in a period of at least 28 days. The immediate effect orders may be limited to minor works including fencing to ensure a consistency of appearance. Uncontrolled varieties of permitted enclosures - walls, fences or other structures - might otherwise result in a gallimaufry of different styles, heights designs and colours, with foundation works. Other orders would be more proportionate if owners are given an opportunity to make representations. .

Policy

Paragraph 118 of the National Planning Policy Framework provides that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

National on-line Planning Guidance provides that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;

The Replacement Local Plan policy GB 28 provides that where proposals are made to the Council in the Green belt they should safeguard the ecological value of the site and include measures for habitat creation.

National Guidance provides that the use of Article 4 Directions should be limited to situations where this is necessary to protect local amenity or the

well being of the area, and identifying clearly the potential harm intended to be addressed. Guidance states that there should be particularly strong justification for the withdrawal of permitted development rights for leisure plots and uses and in the case of forestry that a serious threat is posed.

Analysis of options

The site adjoins classified roads so there is no need to consider removal of the permitted development to create a means of access to a highway as planning permission will already be required for such development. The immediate issue is the matter of fencing and means of enclosure - fragmentation with different types of fencing or walls of possibly different heights could destroy the amenity value of the woodland.

The permitted development rights to erect temporary buildings and carry on temporary uses of land, to use as a caravan site or camp site are proposed to be included. The fragmentation of the Woodlands by ownership is not necessarily of serious consequence provided that the soils, habitat, trees and special amenity value of the site are respected. Consultation with the Forestry Commission and Natural England as well as the owners will enable the public interest to be balanced with the private interests of landowners

The provisions of the Article 4 Direction shown in Appendix will have immediate effect. These relate to the erection of any fence, wall, path or building in the woodland. The need for this to be implemented immediately is so that these form of development are considered to be the most likely to occur in the shorter term and so immediate powers are necessary to manage the issue. 4.3 The provisions in the Article 4 Direction which do not have immediate effect are shown in the Appendix. These provisions are subject to public consultation for 28 days to allow the landowner and others to comment on the proposals within the Direction. Following this consultation, a report will be brought back to the Planning Committee for its consideration

5. Reasons for Recommendation

- 5.1 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.

6. References to Corporate Plan

- 6.1 The protection of our woodlands and green open spaces is a key priority for the Council to develop a Prosperous Borough for the future.

7. Implications

Financial Implications

Name & Title: Chris Leslie, Financial Services Manager (S151 Officer)

Tel & Email: 01277 312 542 christopher.leslie@brentwood.gov.uk

- 7.1 There is no fee payable for planning applications where the only reason for the application is the withdrawal of PD rights by a Article 4 Direction.

- The Local Planning Authority can be liable to pay compensation to those whose permitted development rights have been withdrawn but only if it subsequently: refuses planning consent for development which would otherwise been permitted development; or
- grants planning permission subject to more limiting conditions than contained in the order

The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights

Legal Implications

Name & Title: Chris Potter, Monitoring Officer & Head of Support Services

Tel & Email: 01277 312 860 christopher.potter@brentwood.gov.uk

- 7.2 While Article 4 Directions are confirmed by local planning authorities, the Secretary of State must be notified and has wide powers to modify or cancel most Article 4 Directions. The County Council must also be notified. There is no requirement for completely separate Orders with different Directions on the same land. Accordingly, the Order has been drafted to incorporate separate directions.

- 7.3 The withdrawal of development rights does not necessarily mean that planning permission will be refused. It means only that applications have to be submitted so that the local planning authority can consider the proposals in detail and can then only determine the applications after consultation.

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

- 8.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Various Convention rights may be engaged in making and considering Article 4 directions including under Articles 1 and 8 of the First Protocol. The European Court has recognised that "regard must be had

to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

8.2 It is considered, in the instance the development by erection of walls, fences and other means of enclosures, temporary buildings and uses within individual lots of Barrack Wood either sold or being offered for sale, substantial harm could be caused very quickly. That risk is considered in the circumstances of woodlands with special sensitivities to justify an Article 4 Direction which takes immediate effect.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 The Town and Country Planning (General Permitted Development) (England) Order 2015, Statutory Instrument 2015 no.596

National Planning on-line Policy Guidance

Web site Woodlands.co.uk

10. Appendices to this report

- Appendix A – Directions pursuant to Article 4 and Schedule 3 of the Order.

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TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 ("the Order")

Directions pursuant to Article 4 and Schedule 3 of the Order

WHEREAS

(1) BRENTWOOD BOROUGH COUNCIL ("the Council") is the local planning authority in respect of Barrack Wood Warley Brentwood, Essex, being the land described in Schedule 1 hereto and shown edged red on the Plan annexed (hereinafter referred to as "the Land") ;

(2) The Land comprises two woodlands, one of 55 acres and one of 8 acres, both being ancient woodland sites which have been replanted, adjoin a Site of Special Scientific Interest in Hartswood, and which may themselves have irreplaceable habitat. The Council consider that the development described in Schedule 2 of the Order and set out in Part 1 of this Direction would constitute a threat to the amenities of the area and should not be carried out unless permission is granted for it on an application;

(3) The Council also consider that the development described in Schedule 2 of the Order and set out in Part 2 of this Direction would also constitute a threat to the amenities of the area and should not be carried out unless permission is granted for it on an application

NOW THEREFORE the Council in pursuance of Article 4(1) of the Order and all other powers thereby enabling HEREBY DIRECT that the permission granted by Article 3 of the Order shall not apply to development on the Land of the description set out in Parts 1 and 2 of Schedule 2 below.

THE DIRECTION hereby made in respect of the development set out in Part 1 of Schedule 2 below has immediate effect in accordance with Paragraph 2 of Schedule 3 of the Order and shall remain in force for six months unless confirmed by the Council in accordance with paragraphs 1(9) and 1(10) of Schedule 3 of the Order before the end of the six month period;

THE DIRECTION hereby made in respect of the development set out in Part 2 of Schedule 2 below shall come into effect on the 1 June 2015 subject to confirmation by the Council in accordance with paragraphs 1(9) and 1(10) of Schedule 3 of the Order

Dated this 15th day of April 2015

THE COMMON SEAL)
of BRENTWOOD BOROUGH)
COUNCIL was hereunto)
affixed in the presence of:)

Mayor

Authorised Officer

SCHEDULE 1

The Land

SCHEDULE 2

PART 1

- (i) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 (Minor Operations) referred to in Schedule 2 to the Order and not being development comprised within any other Part or Class.
- (ii) The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land being development comprised within Class A of Part 4 (Temporary Buildings and Uses) referred to in Schedule 2 to the Order and not being development comprised within any other Part or Class.
- (iii) The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B2, and the provision on the land of any moveable structure for the purposes of the permitted use being development comprised within Class B of Part 4 (Temporary Buildings and Uses) referred to in Schedule 2 to the Order and not being development comprised within any other Part or Class.

PART 2

- (iv) The use of land, other than a building as a caravan site in circumstances specified in paragraphs 2-10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 being development comprised within Class A of Part 5 (Caravan sites and recreational facilities) referred to in Schedule 2 to the Order and not being development comprised within any other Part or Class.
- (v) The use of land by members of a recreational organisation or instruction, and the erection or placing of tents on the land for the purpose of the use being development comprised within Class C of Part 5 (Caravan sites and recreational facilities) referred to in Schedule 2 to the Order and not being development comprised within

any other Part or Class.

(vi) The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of-

- (a) works for the erection, extension or alteration of a building; or
- (b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit being development comprised within Class A of Part 6 (Agricultural and forestry) referred to in Schedule 2 to the Order and not being development in any other Part or Class.

(vii) The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of -

- (a) the extension or alteration of an agricultural building;
- (b) the installation of additional or replacement plant or machinery;
- (c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;
- (d) the provision, rearrangement or replacement of a private right of way;
- (e) the provision of a hard surface;
- (f) the deposit of waste; or
- (g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,

where the development is reasonably necessary for the purposes of agriculture within the unit being development comprised within Class B of Part 6 (Agricultural and forestry) referred to in Schedule 2 to the Order and not being development in any other Part or Class.

(viii) The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of -

- (a) works for the erection, extension or alteration of a building;
- (b) the formation, alteration or maintenance of private ways;

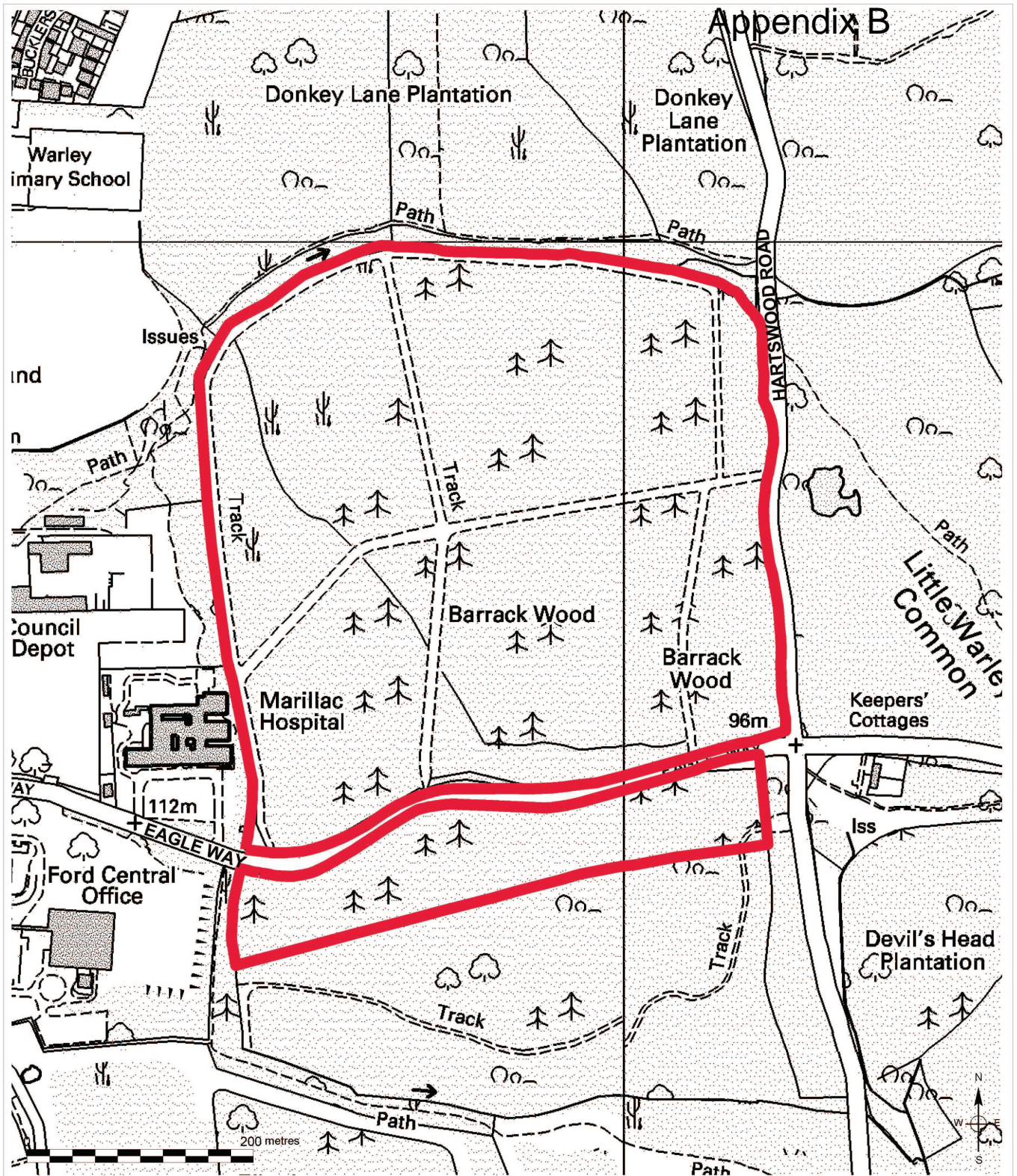
(c) operations on that land, or on land held or occupied with that land, to obtain materials required for the formation, alteration or maintenance of such ways;

(d) other operations (not including engineering or mining operations)

being development comprised within Class E of Part 6 (Agricultural and forestry) referred to in Schedule 2 to the Order and not being development in any other Part or Class.

(ix) The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way being development comprised within Class E of Part 9 (Development relating to roads) referred to in Schedule 2 to the Order and not being development in any other Part or Class

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Area Affected by Proposed Article 4 Direction

Drawn By: OSJ

Graham Farrant
Chief Executive



Scale: 1:5,000 at A4

Brentwood Borough Council, Town Hall, Ingrave Road Brentwood CM15 8AY

Date: 14th April 2015

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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

Planning and Licensing Committee

Planning

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

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

(b) Listed Buildings and Conservation Areas Act 1990

- (i) determination of applications for Listed Buildings and Conservation Area consent;
- (ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

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

(b) To carry out the duties and powers of the Council under current legislation;

(c) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.

(d) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;

(e) To consider and approve relevant service plans;

(f) To comply with the standing orders and financial regulations of the Council;

(g) To operate within the budget allocated to the committee by the Council.

(h) To determine fees and charges relevant to the committee;

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

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

Licensing

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

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

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

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

i. Trading Requirements.

ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators.

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