



Agenda

Planning and Licensing Committee

Tuesday, 13 September 2016 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 4)

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

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 22
3.	Minutes of the Licensing Appeals Sub Committee Minutes from the Licensing Appeals Sub Committee held on 5 th July 2016.		23 - 26
4.	Land to the front of 9-15 Fawters Close, Hutton, Brentwood, Essex Application No. 16/00979/FUL Creation of 6 parking spaces for community parking and increase footpath from to 1.5m wide.	Hutton Central	27 - 34
5.	The Old Barn, North Drive, Hutton, Essex CM13 1SH Application No. 16/00748/FUL Redevelopment of site to create three bedroomed bungalow.	Hutton East	35 - 44
6.	Cemetery Lodge, Lorne Road, Warley, Essex CM14 5HH Application No. 16/00542/FUL Construction of garage.	Brentwood West	45 - 52

7. **Urgent Business**

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

Head of Paid Service

Town Hall
Brentwood, Essex
05.09.2016

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

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

Personal Explanation

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

Point of Information or clarification

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

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

Private Session

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

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Evacuation Procedures

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



Minutes

Planning and Licensing Committee Tuesday, 19th July, 2016

Attendance

Cllr McCheyne (Chair)	Cllr Mrs Hubbard
Cllr Ms Rowlands (Vice-Chair)	Cllr Keeble
Cllr Barrell	Cllr Morrissey
Cllr Bridge	Cllr Newberry
Cllr Faragher	

Apologies

Cllr Mrs Middlehurst
Cllr Mrs Murphy
Cllr Mynott

Substitute Present

Cllr Mrs Davies
Cllr Wiles

Also Present

Cllr Parker
Cllr Mrs Fulcher

Officers Present

Claire Mayhew	Governance and Member Support Officer
Caroline McCaffrey	Development Management Team Leader
Christine Stephenson	Planning Solicitor
Steve Summers	Group Manager In-House Services
Daniel Toohey	Monitoring Officer
Phil Drane	Planning Policy Team Leader
Mike Ovenden	Consultant Principal Officer
Charlotte White	Senior Planning Officer
David Carter	Senior EHO (Team Leader)
Pauline McAllister	Principal Urban Design and Heritage Officer
Brendan Johnston	Highways Representative

100. Apologies for Absence

Apologies were received from Cllr Mrs Murphy, Cllr Wiles was present as a substitute, Cllr Mynott, Cllr Mrs Davies was present as a substitute and Cllr Mrs Middlehurst, no substitute was present.

101. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee of 29th June 2016 were approved and signed as a true record.

102. Minutes of the Licensing Appeals Sub Committee

The minutes of the Licensing Appeals Sub Committee were approved and signed as a true record.

103. Variation on the Order of the Agenda

RESOLVED, that item 8, 88 Woodman Road, Warley, Brentwood, Application No.16/00593/FUL be debated after Item 4.

104. The Essex County Council Developers' Guide to Infrastructure Contributions - Revised Edition 2016

Essex County Council has recently published a new edition of the Developers' Guide to Infrastructure Contributions. The guide has been produced in consultation with key stakeholders.

The guide details the scope and range of contributions towards infrastructure which Essex County Council may seek from developers and land owners in order to make development acceptable in planning terms. Brentwood Borough Council will be able to refer to the guide when providing pre-application advice and determining planning applications.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Ms Rowlands to agree the recommendation set out in the report.

A vote was taken by a show of hands it was **RESOLVED UNANIMOUSLY**.

1. To formally acknowledge the Essex County Council Developers' Guide to Infrastructure Contributions – Revised Edition 2016, as attached at Appendix A, as a material consideration for the purposes of determining planning applications.

REASON FOR RECOMMENDATION

Acknowledgement of the Essex County Council Developers' Guide to Infrastructure Contributions will assist our Planning Development Management Team in negotiating contributions required for necessary infrastructure to make proposed development acceptable in planning terms. This guide will also be relevant for major development proposals within the emerging Brentwood Local Development Plan once adopted.

105. 88 WOODMAN ROAD WARLEY ESSEX CM14 5AZ APPLICATION NO: 16/00593/FUL

Mrs Gibson, was present and addressed the committee in objection of the application.

Mrs Minny, the Applicant, was also present and addressed the committee in support of the application.

A motion was **MOVED** by Cllr Barrell and **SECONDED** by Cllr Wiles to approve to application.

A vote was taken by a show of hands.

FOR: Cllrs Barrell, Bridge, Faragher, Wiles, Mrs Davies, Keeble, Ms Rowlands and McCheyne (9)

AGAINST: Cllrs Newberry and Morrissey (2)

ABSTAIN: (0)

RESOLVED that planning permission is **APPROVED**, subject the following conditions.

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 MAT03 Materials to match

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

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

4 U13431

The first floor flank roof lights within both the eastern and western side elevations shall:- either 1) be 1.7 metres in height from the floor of the room in which the windows are installed to the cill of the windows, or 2) if this is not the case 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.

(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for a local Estate Agent).

(Under 5.2 of the Constitution, Cllr Hubbard was unable to participate in the vote as she referred this item to the Committee).

(Cllr Hubbard declared a pecuniary interest under the Councils Code of Conduct by virtue of being the applicant's neighbour. She therefore didn't take part in the debate or voting on this item and left the chamber).

**106. CAR PARK AT SAINSBURYS WILLIAM HUNTER WAY BRENTWOOD
ESSEX APPLICATION NO: 16/00507/FUL**

Ms Huett, Applicant Representative was present and addressed the Committee in support of the application.

Cllr Barrell, requested that adequate disabled facilities are provided.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Faragher to approve to application.

A recorder vote was requested in accordance with Rule 9.5 of the Council procedure rules.

FOR: Cllrs Barrell, Bridge, Faragher, Wiles, Ms Rowlands and McCheyne (6)

AGAINST: Cllrs Newberry, Mrs Hubbard, Morrissey, Mrs Davies and Keeble (5)

ABSTAIN: (0)

RESOLVED that application is **APPROVED** subject to the following conditions and delegated authority to the Development Management Team Leader in agreement with the Chair of Planning and Licensing Committee relating to the landscaping, cladding, provision of measures for disabled motorist, air quality control and detailed layout of car park.

1 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 Accordance with the approved drawing(s)

Unless otherwise required by this permission 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 Samples of the materials

Notwithstanding the details indicated in the application, the erection of the new car park deck shall not commence 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 Parking dimensions

Vehicular parking spaces shall be provided each with minimum dimensions of 2.5 metres x 5.0 metres and 6m aisles between parking rows.

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

5 Scheme of hard and soft landscaping

Prior to the commencement of the erection of the new car parking deck a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed in

accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

6 Protection of trees

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

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

7 Revised Construction Method Statement

No development shall take place, including any works of demolition, until a revised Construction Method Statement has been submitted to, and approved in writing by, the local planning authority to provide the following information: The Construction Statement shall be revised to state noise limits at the site boundary to protect the local amenity. This should be undertaken in accordance with BS 5228-1:2009 - Code of practice for noise and vibration on construction and open site and approved with the Local Authority prior to any development commencing.

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, visual and neighbour amenity.

8 Lighting details

No lighting shall be erected until details of the lights, (including times of illumination) and external illuminations, including measures to control light spillage, have been submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of neighbours and the character of the area.

9 Revised Construction Statement

No development shall take place, including any works of demolition, until a revised Construction Statement has been submitted to, and approved in writing by, the local planning authority to provide the following information: Mitigation measures to be taken with regards to dust production during the demolition and construction phases.

The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of neighbour amenity.

10 Detailed surface water drainage scheme

The erection of the new car park deck shall not take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- A maximum discharge rate of 15l/s for all events up to and including the 1 in 100 year plus 20% climate change, in line with the strategy proposed in the revision c of the surface water drainage strategy statement.
- The provision of 950m³ of attenuation storage
- Appropriate treatment for run off leaving the site, in line with the CIRIA SuDS, manual C753. Where possible the performance of proprietary devices should be rated according to the index based approach in this document.

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

11 Surface water maintenance plan

No part of the new car parking deck shall be used until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason

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

(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for a local Estate Agent).

**107. PERI LTD WARLEY STREET LITTLE WARLEY ESSEX CM13 3JZ
APPLICATION NO: 16/00152/FUL**

Mrs James was present and addressed the committee in support of the application.

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

Cllr Mrs Hubbard, send in a letter of support and therefore is unable to vote on this item under 5.2 of the Constitution. However, as a Ward Member, Cllr Hubbard was allowed to address the committee in support of the application.

Cllr Barrell, Ward Member spoke in support of the application and was positive about the increase in jobs within the Borough. The only concerns expressed were extra screening of the building from Woodlands Schools by a tree line and that heavy construction vehicles above 7 tonnes are directed to the site via the A127, not through Brentwood and Warley.

A motion was **MOVED** Cllr Barrell and **SECONDED** by Cllr McCheyne to approve the application.

A vote was taken by a show of hands.

FOR: Cllr Barrell, Bridge, Faragher, Wiles, Newberry, Morrissey, Mrs Davies, Keeble, Ms Rowlands and McCheyne (10)

AGAINST: (0)

ABSTAIN: (0)

RESOLVED UNANIMOUSLY that application is **APPROVED** subject to the following conditions and amendments to Condition 5 to include landscaping specific to Woodlands Schools and Condition 18 to include details of routing of construction vehicles.

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 U13589

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 U13590

No development above ground level shall take place until additional drawings that show details of proposed new windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in strict accordance with the approved details.

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

5 U13591

No development above ground level shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted and those areas to be grassed and/or paved. The landscaping scheme shall include details of all hard-surfacing materials to be utilised. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

6 U13592

Notwithstanding the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent re-enacting Acts or Orders) no additional

floodlighting or any other form of external lighting shall be provided on the site without the further formal consent of the local planning authority.

Reason: To safeguard the living conditions of nearby residents.

7 U13593

No development above ground level shall take place until additional drawings that show full details of proposed barriers, sliding access gate and substation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area and the setting of the adjoining Listed Buildings.

8 BOU09 No walls or fences - except as approved

Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (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.

9 U13594

The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently removed from the site within 6 months of the first occupation of any part of the development hereby permitted.

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

10U13595

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

The scheme shall include:

- Groundwater testing and infiltration testing in line with BRE 365. If infiltration is found not be viable, run-off should be restricted to the 1 in 1 greenfield rate
- Attenuation storage for the 1 in 100 inclusive of climate change storm event.
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C53.
- A drainage plan highlighting final exceedance and conveyance routes, location and sizing of storage features, discharge/infiltration rates and outfall/s from the site.

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.
- 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.

11U13596

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall 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 top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction 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.

12U13597

No works shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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.

13U13598

The applicant or any successor in title must maintain 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.

14U13599

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.

Reason: In the interests of the 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.

15U13600

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 interests of the occupiers of the site.

16U13601

The developer shall notify the Local Planning Authority in writing of impending completion of the remediation works within one month of the completion of the said works. Within four weeks of completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site or beneficial occupation of the office building hereby permitted until the Local Planning Authority has approved the validation report in writing.

Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed certificate to confirm that there mediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: In the interests of the occupiers of the site.

17U13602

No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

Reason: To enable archaeological records to be made if necessary on a site that lies within an area of known archaeological interest. 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.

18U13603

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. 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.

19U13604

The vehicular access, as shown in drawing no 165:14, shall be at ninety degrees to the B186 carriageway.

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

20U13605

The new site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the compass point in both directions, 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.

21U13606

The existing site access shall be removed and full height footway / kerbing provided immediately the new site access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

22U13607

The vehicle parking area as indicated in the approved plans shall be 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.

23U13608

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres with a 6 metre aisle between rows.

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

24U13609

The cycle parking facilities as shown on the approved plans shall be covered and secured, and 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.

25U13610

Prior to first beneficial use of the proposal, a minimum 2 metre wide footway access shall be provided at the new site access together with dropped kerbs and tactile paving on both sides of the B186 as shown in drawing no 165:14.

Reason: To facilitate pedestrian movements to / from the site in the interest of highway safety and accessibility.

26U13611

Prior to first beneficial use of the proposal, the existing bus stops on both sides of the B186 to the north of the site shall be improved. Improvements shall include raised kerbs at the bus stops, dropped kerbs to facilitate pedestrian and wheelchair access, a hard-standing area on the eastern side of the carriageway and poles, flags and timetables at both stops. N.B. Due to the presence of drainage, the northbound stop will need to be relocated further north, i.e. closer to the southbound stop.

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

27U13612

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.

28U13613

The travel plan as approved shall be monitored and reviewed at the end of years 1, 3 and 5 and a copy of that review and action plan arising shall be submitted to the Local Planning Authority. The means described in the action plan shall be implemented in the time period identified.

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

(Under Part 5.2 of the Council Constitution, Cllr Mrs Hubbard was not able to vote on this application).

(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for a local Estate Agent).

**108. DEVELOPMENT SITE AT FORMER MOUNTNESSING SCRAP YARD
ROMAN ROAD MOUNTNESSING ESSEX APPLICATION NO:
16/00713/REM**

A motion was **MOVED** by Cllr Wiles and **SECONDED** by Cllr McCheyne to approve the application, subject to the conditions as set out in the officer's report.

A vote was taken by a show of hands.

FOR: Cllr Barrell, Bridge, Faragher, Wiles, Newberry, Mrs Hubbard, Morrissey, Mrs Davies, Keeble, Ms Rowlands and McCheyne (11)

AGAINST: (0)

ABSTAIN: (0)

RESOLVED UNANIMOUSLY that the application is **APPROVED** subject to the following conditions:-

1 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.

2 U13560

No development above ground level shall take place until a sample panel of the proposed brickwork of no more than 500mm in height has been erected on site and subsequently been 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 U13561

No development above ground level shall be undertaken until additional drawings showing details of the proposed windows and eaves to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.

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

4 U13562

The proposed site access roads to both north and south developments shall have a minimum width of 5.5 metres with two x 2.0 metre width pedestrian footways.

Reason: In the interest of highway safety.

5 U13563

The access road to the B1 land use area shall have a minimum width of 5.0 metres for the first 6.0 metres from the main site access road.

Reason: In the interest of highway safety.

6 U13564

Cycle parking facilities shall be provided in accordance with the EPOA Parking Standards for all dwellings without a private garage. 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.

7 U13565

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

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

(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for a local Estate Agent).

109. EXCLUSION OF THE PRESS AND PUBLIC

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Ms Rowlands. A vote was taken by a show of hands and it was **RESOLVED** that the press and public be excluded and the following item be considered in private session on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 to Schedule 12A to the Local Government Act 1972 (namely information relating to individuals).

110. COTTAGE GARDEN, BEADS HALL LANE, PILGRIMS HATCH, ESSEX, CM15 9PQ APPLICATION NO: 14/01069/FUL

Mrs Simpson, was present and addressed the committee in support of the application and left the chamber after her 3 mins.

A motion was **MOVED** Cllr Wiles and **SECONDED** by Cllr Newberry to **APPROVE** the application subject to the signing of an amended s106 agreement, within 6 weeks of the date of this meeting.

Conditions for the decision notice to be delegated to the Development Management Team Leader in consultation with the Chair of Planning & Licensing Committee.

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

(For personal reasons Cllr Barrell did not wish to take part in the debate or vote and left the chamber).

(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for a local Estate Agent).

111. Urgent Business

There were no items of Urgent Business.

The meeting concluded at 21.38



Minutes

Licensing/Appeals Sub-Committee Tuesday, 5th July, 2016

Attendance

Cllr Mrs Hubbard
Cllr Mrs Middlehurst

Cllr Newberry

Officers Present

Dave Leonard - Licensing Officer
Simon Scrowther - Litigation Lawyer
Jean Sharp - Governance and Member Support Officer

96. Appointment of Chair

The Sub-committee resolved that Cllr Newberry should chair the meeting.

97. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

98. Declarations of Interest

There were no declarations of interest.

99. Application for Premises Licence - Ingatestone Post Office, High Street, Ingatestone CM4 9ET

The report before members provided information relating to the application for a premises licence in respect of Ingatestone Post Office, High Street, Ingatestone, CM4 9ET.

Members were requested to determine the application having regard to the operating schedule, the Council's Statement of Licensing Policy and the four licensing objectives:

- Prevention of crime and disorder
- Prevention of nuisance
- Public safety
- Protection of children from harm

The application was received on 11 May 2016 from Mr Kathatharan Ponnampalam in respect of Ingatestone Post Office, High Street, Ingatestone, CM4 9ET and a copy was before the Sub-committee. The applicant sought a premises licence for the sale of alcohol for the hours of 08.00hrs - 20:30 hrs daily.

Three written objections were appended to the agenda which the Sub-committee had noted.

Mr Jordan addressed the Sub-committee on behalf of the applicant and advised that there were two amendments to the application. Firstly, the application was amended in that the licence hours would be Monday to Saturday 8.00am to 19.30pm, rather than 8.00am to 20.30pm Monday to Sunday and secondly that alcohol would only be displayed in the area delineated in the plan submitted to Sub-Committee during the Sub-Committee hearing.

Mr Jordan also advised that the applicant would be initiating a training programme which would include such things as I.D. requirements, fines and punishments imposed on staff for breaches of the licence conditions or sales to minors, a challenge 25 policy which would include proxy sales, training on street drinking and drug taking and knowledge of the licence conditions. Appropriate signage would be displayed and staff would have to prove they had been trained by signing a training book and a refusal register would be kept.

It was submitted that post offices needed to change and adapt to survive, hence the change of use. Without that change of use it risked being lost to the community.

Members noted that whilst licence hours would be until 19.30pm, the shop would close at 19.00pm. The extra half hour was to allow for orderly closing.

It was submitted that the application did not offend the licence objectives. It was requested that the licence was not granted subject to a condition that two staff were present as if two were on duty and one left momentarily the licence would be breached.

The applicant confirmed that they would engage with the police in the event there was anti social behaviour but they objected to a condition that a "mosquito" device was installed as whilst this would deter "youths" it would also cause irritation to young children who came into the shop with their parents.

A question was put by a Member as to how many staff would work in the premises. The applicant advised that he was there always and used part time staff to have a staff present of two or sometimes three.

A question was raised about how one staff member would manage if he or she worked alone. The Sub-committee viewed a plan of the premises where it was explained that there were two counters: one was the post office and one was a mixed use counter between the shop and the post office. If only one staff member was present then the multi use counter would be used.

The Sub-committee noted that objections had been raised on parking, but that this, without it in itself offending the licence objectives could not be taken as a reason to refuse or curtail the licence.

The Licencing Officer noted that the application had been amended to the benefit of the application and that no objections had been received from relevant authorities.

The applicant submitted that the application met the licence objectives and that it would be a benefit to the community.

Members of the Sub-committee were content that sufficient staffing was in place to mean that it did not need to be made subject to a condition. They considered the earlier closure should deal with any objections about late night traffic and they were satisfied that the extra conditions agreed to by the applicant at 4.4 of the agenda met any of the four licence objectives.

The decision of the Sub-Committee was therefore that, having listened to the application, and having balanced the written objections received against the licence objectives to GRANT the application subject to the following conditions, being:-

1. The conditions set out at paragraph 4.4 of the agenda be added to the licence.
2. The licence activity will be 8.00am to 19.30pm Monday to Saturday.
3. The display of alcohol be limited to that area delineated in the amended plan submitted to the Licence Officer on the 5 July 2016 at the Sub-Committee hearing.

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SITE PLAN ATTACHED

04. LAND TO THE FRONT OF 9 - 15 FAWTERS CLOSE HUTTON BRENTWOOD ESSEX

CREATION OF 6 PARKING SPACES FOR COMMUNITY PARKING AND INCREASE FOOTPATH FROM TO 1.5M WIDE.

APPLICATION NO: 16/00979/FUL

WARD	Hutton Central	8/13 WEEK DATE	25.08.2016
PARISH		POLICIES	CP1 T2 T15 NPPF NPPG T5
CASE OFFICER	Ms Tessa Outram	01277 312500	
Drawing no(s) relevant to this decision:	E100 ; P100 A; E101 A;		

1. Proposals

The application is submitted by the Council's Housing Department.

Planning permission is sought for the construction of 6 car parking spaces on the amenity land to the front of 9-15 Fawters Close, Hutton. Each space measures approximately 5.5 metres deep x 2.9 metres wide. The car parking area will be surfaced with asphalt and be individually marked with white lines and a bollard will be inserted at the abutment of each parking bay with the public footpath.

A supporting statement has been submitted by the applicant that indicates during the course of separate development engagement events, local residents highlighted their concerns around problem parking in the area including unauthorised parking on grass verges and kerbs, problems with emergency vehicles gaining access to the bottom end of Fawters Close and refuse wagons having to drive on verges causing damage to pavements.

It states that the application is therefore triggered by residents requests to see extra measures put in place to alleviate the problems of indiscriminate parking in the area.

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 is the relevant document in this regard. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in planning decisions.

NPPF - National Planning Policy Framework
NPPG - National Planning Practice Guidance

Local Plan Policies

CP1 -General Development Criteria

T2 - New development and highway considerations

T5 - Parking

T15 - Pedestrian Facilities

3. Relevant History

- : - None

4. Neighbour Responses

28 neighbour representation letters were sent out and a site notice displayed. Two responses were received summarised as follows:

- The width of the footpath should be increased as a part of the development as it is sub-standard and cannot be cleaned and results in blockages on refuse collection days.
- The dropped kerb at No.11 should be retained.
- No.9 Fawtens Close should have a dedicated parking bay as it currently does not have some form of dedicated parking unlike other properties
- There is a concern that residents with more than one car will take up all of the bays

5. Consultation Responses

- **Highway Authority:**
Acceptable subject to conditions ensuring minimum bay sizes of 2.9 metres x 5.5 metres.

6. Summary of Issues

Principle of Development

The site area measures around 166sqm and is a grass verge sited in front of a row of terraced houses, No.s 9 to 15 Fawtens Close. These houses have short front

gardens and a narrow footpath dissects the area between these and the grass verge. The verge is not constrained from development by any specific policy within the Local Plan, so subject to meeting other planning requirements, the principle of the development is acceptable.

The application has been amended to include widening of the footpath located between No.9 - No.15 Fawters Close and the proposed parking area, to 1.5 metres. The description has therefore been amended to include these works (the original footpath is outside the red line area).

Main Considerations:

The main issues to consider when determining this planning application are the effect on the character and appearance of the area, residential amenity and highway safety.

Design, Character and Appearance

The site forms part of a green space which provides a welcome injection of soft boundary treatment along the highway and to the front of a number of terraced properties. However the grass area is not well maintained due to vehicles churning up the grass as a result of larger service vehicles having difficulty trying to access the end of Fawters Close.

The bays have been arranged so that access to the driveways and offstreet parking areas for No.s 15 and No.11 are retained. The car parking spaces would be hard surfaced with asphalt and will be individually marked with white lines and each bay will have a bollard inserted at the abutment of the parking bays with the public footpath. In order to preserve the proposed areas of soft landscaping and prevent vehicles from blocking the access to the end of Fawters Close by indiscriminate parking, it is recommended that additional bollards are erected around the edge. A condition is therefore necessary to agree the size, amount and positioning of these bollards.

Green spaces and verges play an important visual buffer between built form, and the loss of such areas is regrettable; measures could be put in place to prevent the unlawful parking without the need for the loss of the verge. In this instance, almost all the verge would be given over to the hard standing which would be detrimental to the appearance of the area. However, it is recognised that the current situation is causing potential safety issues for pedestrians and other highway users; quite simply, there are more vehicles parking in this area than there are safe places to do so, and the provision of the bays would go some way to alleviating these problems. On balance therefore, in this location, it is considered that the benefits of the development would outweigh the harm to the visual amenity of the area.

Effect on neighbours living conditions

The properties nearest to the parking spaces would be at closest, around 9 metres away. Given the existing situation with cars already parking nearby on the road, it is not considered that there would be a material increase in the noise from such activity. The outlook from the front of these gardens and houses will also change, but it is considered that there would not be any unacceptable harm to the living conditions of the occupiers of the nearest properties.

Highway Considerations

Each parking space would measure approximately 5.5 metres x 2.9 metres and meet the requirement as contained in the ECC Parking Standards: Design and Good Practice (2009). The Highway Authority have not objected to any aspects of the proposal on highway safety grounds. The applicant states that the two areas of planting created as part of the proposal which will incorporate a drainage facility as mitigation for any increased surface water run off caused by the partial removal of the grassed area; the specification and details of which will be submitted prior to the commencement of work should the application be approved.

Other matters:

The applicant has indicated that the footpath is to be widened during the works to facilitate the bays without the need to reduce the size of the bays. The widening of the footpath will go some way to overcome problems regarding street maintenance and issues on refuse collection days resulting in the footpath being blocked. At present, pedestrians could walk around wheelie bins and sacks onto the grass area but if cars are parked there as a result of the proposed development that would not be possible.

The dropped kerb at No.11 and No.15 will be retained as part of this application.

No.s 11 and 15 have their own off-street parking available and the applicant has confirmed that the car spaces will be available for all residents.

Conclusion

Subject to conditions relating to the size, number and siting of bollards, the size of the bays and details of the drainage system, the development is considered to be acceptable.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA02A Development in accordance with drawings

Unless formally permitted by the local planning authority the development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

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

3 U14320

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

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

4 U14321

No development shall take place until details showing the means to prevent the discharge of surface water from the development onto the highway has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The approved scheme shall be carried out in its entirety prior to the car parking spaces becoming operations and shall be retained in the agreed format at all times.

Reason: To prevent hazards caused by water flowing onto the highway, in the interests of highway safety.

5 U14322

No development shall take place until details of, including the number, size, materials and siting of the bollards have been submitted to and approved in writing by the local planning authority. The bollards shall be erected in accordance with the approved details prior to the first use of the bays, and shall be retained in perpetuity.

Reason: In the interests of highway safety and the appearance of the area.

Informative(s)

1 INF04

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

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, T5, T15 the National Planning Policy Framework 2012 and NPPG 2014.

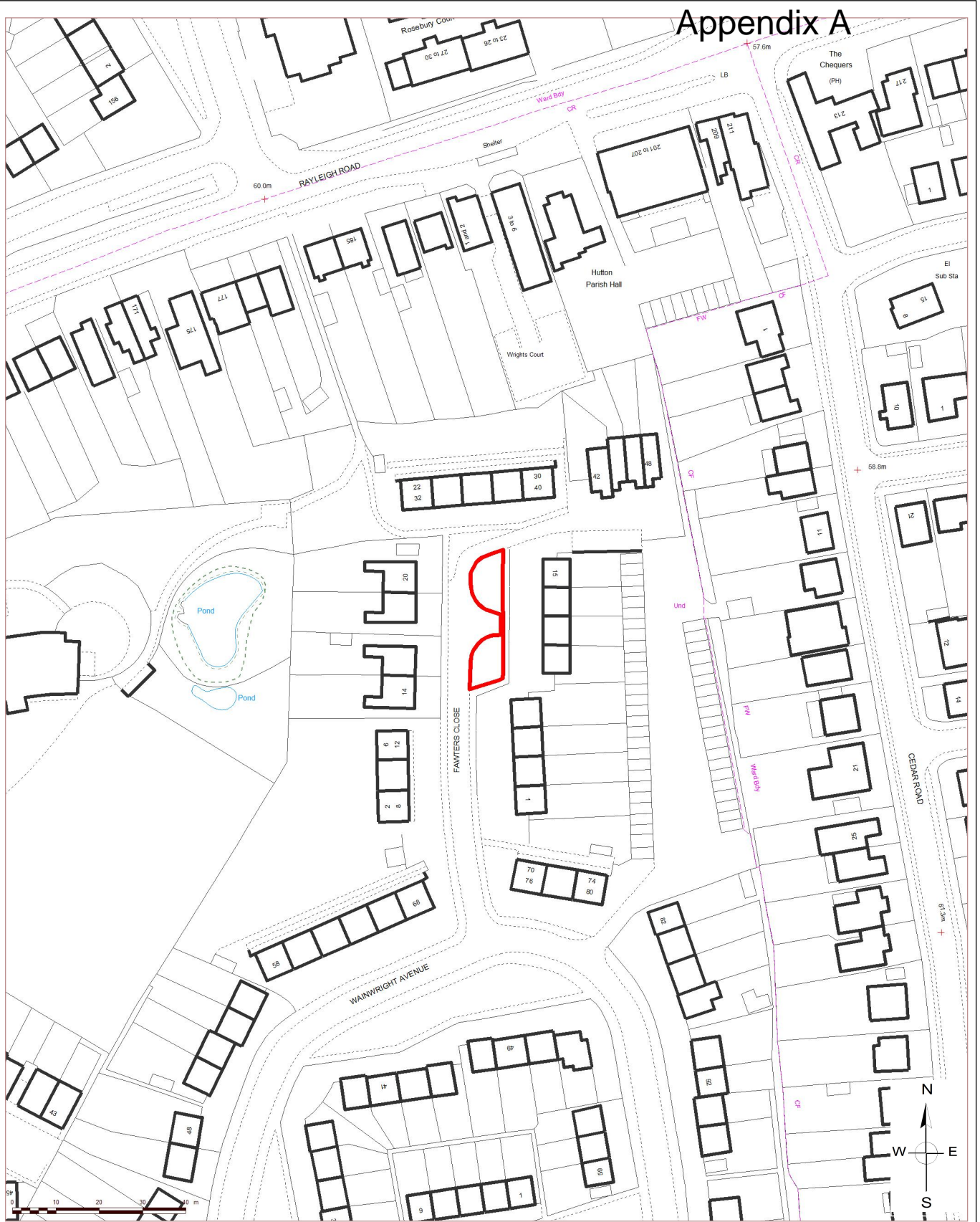
3 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Land to the front of 9-15 Fawters Close, Hutton

16/00979/FUL

Scale at A4 : 1:1250

Date : 13th September 2016

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



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SITE PLAN ATTACHED

05. THE OLD BARN NORTH DRIVE HUTTON ESSEX CM13 1SH

REDEVELOPMENT OF SITE TO CREATE THREE BEDROOMED BUNGALOW

APPLICATION NO: 16/00748/FUL

WARD	Hutton North	8/13 WEEK DATE	01.08.2016
PARISH		POLICIES	NPPF NPPG GB1 GB2 CP1 CP2 T2
CASE OFFICER	Mrs Charlotte White	01277 312500	
Drawing no(s) relevant to this decision:	DESIGN AND ACCESS STATEMENT; 007; 005; 002; 006; 004; 003; 001;		

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

I do not have any concerns with the proposed development. This proposal presents an ideal infill opportunity towards our housing supply needs.

I am writing as ward councillor in support of the above application. Its existing lawful use as an active commercial yard/brownfield site that is not conducive with either Green Belt or the residential area in which it is situated. Both myself and my ward colleague Chris Hossack feel the re-development to build a single storey, three bedroom bungalow will make good use of the site. We both agree with the tasteful style and design of the proposed bungalow and fell it would be in keeping with the surrounding area. I am also pleased that a bungalow will help towards out lifelong homes need.

1. Proposals

Planning permission is sought to remove the existing port-a-cabin, barn/shed structure and shipping containers from the site and to construct a replacement, detached three bedroom dwellinghouse on the site.

The application has been submitted with 15 identical letters of support signed by residents of Rayleigh Road and North Drive.

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 considerations in planning decisions.

NPPF - National Planning Policy Framework
NPPG - National Planning Practice Guidance

Local Plan Policies

GB1 - New Development in Green Belt

GB2 -Development Criteria

CP1 -General Development Criteria

T2 - New development and highway considerations

PC1 - Land contaminated by hazardous substances.

3. Relevant History

- 13/01213/OUT: Construction of dwelling (Outline application with all matters reserved) -Application Refused

4. Neighbour Responses

19 neighbour letters were sent out and a site notice was displayed.

1 letter of objection has been received which makes the following comments:

- Proposal has little merit.
- Financial gain for owner.
- Is Green Belt land.
- Was not included in Local Plan submission - should not be ignoring plan.
- No change of use in the Local Plan.

5. Consultation Responses

- **Arboriculturalist:**

It would appear to not have any trees on the site, but there are trees around the site which should have RPAs (root protection areas) calculated and these protected.

- **Highway Authority:**

North Drive is a private road so ECC Highway Authority's only comment is that a condition be attached to any permission requiring a residential travel pack.

- **Design Officer:**

I am unable to recommend this scheme is of Good Design, there is very little effort evident in these proposals which demonstrates the design has been developed with

consideration to context and has longevity as a building which contributes to the local distinctiveness.

The Design and Access Statement is somewhat misleading, with the development described as being developed with consideration to other surrounding properties - I advise you the proposed design is not comparable to other domestic dwellings with the wider context of the site and will not 'fit seamlessly with its surroundings' (Design and Access Statement). The design is materially harmful to the local character of the location.

Should the principle of development be acceptable in planning terms given the Green Belt Location; I strongly advise pre-application advice is undertaken to develop a design which is appropriate to its context and not of a lightweight temporary appearance resulting in a low value design. The detailing and elevational treatment is also of concern, with fenestration being repetitive openings of no hierarchy; the roof in particular is of an extremely shallow pitch - not something typical of the Essex Vernacular.

In addition landscaping should be dovetailed in the application, to date I have not received details of any proposals for landscaping as part of these proposals; given the verdant context of the location this should be addressed.

Consequently I advise this is a substandard design which is not supported.

6. Summary of Issues

Site analysis

The application site is located to the west of North Drive and is currently used as a 'builders yard' with a number of structures on the site including containers, a port-a-cabin and a large wooden shed (called the barn by the applicant). The site is located in the Green Belt and as such the main considerations in this case are the impact of the proposal on the Green Belt, its impact on the character and appearance of the area, residential amenity, living conditions for any future occupiers, parking and access issues and landscaping considerations.

Relevant History

Planning permission was recently refused for outline permission to construct a three bedroom bungalow on this site (ref. 13/01213/OUT) for the following reason:

The site is located within the Metropolitan Green Belt and the proposed new dwelling which replaces temporary buildings or containers on the site constitutes inappropriate development in the Green Belt. There are no very special circumstances that justify the inappropriate development, and if approved the proposed development would result in significant and demonstrable harm to the

openness of the Green Belt, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

In dismissing that appeal, the Planning Inspector noted that although the site could be considered as previously developed land (PDL), it should be noted that:-

- o The containers are temporary structures and the portacabin has not been demonstrated to be a permanent building.
- o The existing shed/barn is in an enclosed/recessed part of the site and has negligible impact on openness.
- o The new dwelling would have an enclosing impact on the site and a greater impact on the openness of the site than the existing situation.

The Inspector concluded that the development is inappropriate development in the Green Belt, would harm the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt; would result in encroachment into the countryside and would have an urbanising impact on the countryside. There were no very special circumstances that outweighed the harm.

That appeal decision is a material consideration in the determination of this application and is afforded great weight in this assessment.

Green Belt

The site lies within Green Belt countryside and the proposal must therefore be considered against the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The NPPF indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt.

The NPPF indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 the Framework indicates that the replacement of a building may not be inappropriate provided that the replacement building is not materially larger than the existing building and is in the same use as the one it replaces. It also indicates that the redevelopment of previously developed sites may not be inappropriate provided that the new development would not have a greater impact on openness and the purposes of including land in the Green Belt than the existing development. The NPPF definition of previously developed land excludes temporary buildings.

Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the Framework and therefore they still carry weight.

The RLP has no policies that would enable the development of a dwelling in the Green Belt unless it was essentially required for agriculture.

The proposed new building would not be in the same use of any of the buildings, temporary or permanent, on the site and therefore does not fall within the exception to inappropriate development as listed in paragraph 89 regarding replacement buildings.

The only permanent building on the site is the wooden shed/barn and the proposed new dwelling would clearly be materially larger than that structure and have a significantly greater effect on openness than the existing building and a new house here would represent an encroachment of development into the Green Belt, in conflict with one of the purposes of the Green Belt.

Therefore, the proposal would not fall into the categories of development that may not be inappropriate as indicated in paragraph 89 of the NPPF. It would therefore be inappropriate development.

Paragraph 88 of the National Planning Policy Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Sustainability

There are limited local facilities, services and public transport available in the area, and the occupiers of the site would largely depend on the use of private motor vehicles for their journeys to/from the site. As a result, it is considered that the proposal would not be a sustainable form of development; however, it is recognised that the site gives rise to existing travel movement and the development would be unlikely to increase the number of those movements.

Design and Character and Appearance of the Area

Surrounding dwelling houses are predominantly bungalows and chalets but the Council's Design officer objects to the design of the new dwelling, in particular the shallow pitch roof and fenestration. It would be out of keeping with the design of surrounding development, and be harmful to the character and appearance of the area. Since both the NPPF and the Local Plan Policy CP1 expects new development to be of high quality design that respects and enhances the area, based on the comments from the Design Officer, the proposed dwelling would clearly not achieve these criteria.

In addition, the introduction of associated parking and other ancillary features will result in the urbanisation of the area, to the detriment of the character and appearance of the area. This would be in conflict with the aims and objective of Chapter 7 of the NPPF and Policy CP1(i) and CP1(iii) of the Local Plan.

Residential Amenity

Given its siting the new dwelling would not harm the residential amenity of nearby neighbours.

Living Conditions

The proposed bungalow is of an acceptable size and provides an adequate sized garden.

Parking and Access Considerations

The proposed development seeks to provide 2 parking spaces at the front of the site, which is acceptable.

Tree and landscaping Considerations

The Council's Arboricultural Officer has suggested a condition be imposed requiring tree protection for any trees that surround the site.

Other Matters

In terms of the neighbour concerns raised, the following points are made:

- The design and Green Belt considerations have been considered above.
- Whilst the site has not been allocated as a development site in the draft local plan, that is not in itself a reason to refuse a planning application.
- Financial gains are not a material planning consideration.

Green Belt Conclusion:

The proposed development constitutes inappropriate development in the Green Belt and would harm the openness of the Green Belt. It would also conflict with one of the purposes of including land within the Green Belt, by representing an encroachment into the countryside. Further harm is identified in the poor design of the building.

The applicant has not indicated why the Council should grant permission for inappropriate development in this case. There have been no fundamental changes to policy or site circumstances since the last refusal by the Council, the reasons for which were endorsed by the Planning Inspectorate. One new dwelling will have a

negligible impact on housing figures for the borough and national guidance makes it clear that an unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to be 'very special circumstances' to justify inappropriate development. Replacing one form of inappropriate development with another does not clearly outweigh the harm from policy definition or from the other harm identified.

On this basis the development is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U14174

The site is located within the Metropolitan Green Belt and the proposed dwelling would constitute inappropriate development in the Green Belt. There are no very special circumstances that justify the inappropriate development, and if approved the proposed development would result in significant and demonstrable harm to the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U14196

The proposed dwelling is not comparable to other dwellings in the wider context and includes unusual design features, such as a very shallow roof pitch. The construction of a dwelling on this site would result in the material urbanization of this rural area. The development would therefore result in significant and demonstrable harm to the character and appearance of the rural area, contrary to Policies CP1(i) and CP1(iii) of the Brentwood Replacement Local Plan 2005 and Chapter 7 of the National Planning Policy Framework (NPPF).

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, CP2, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 U03208

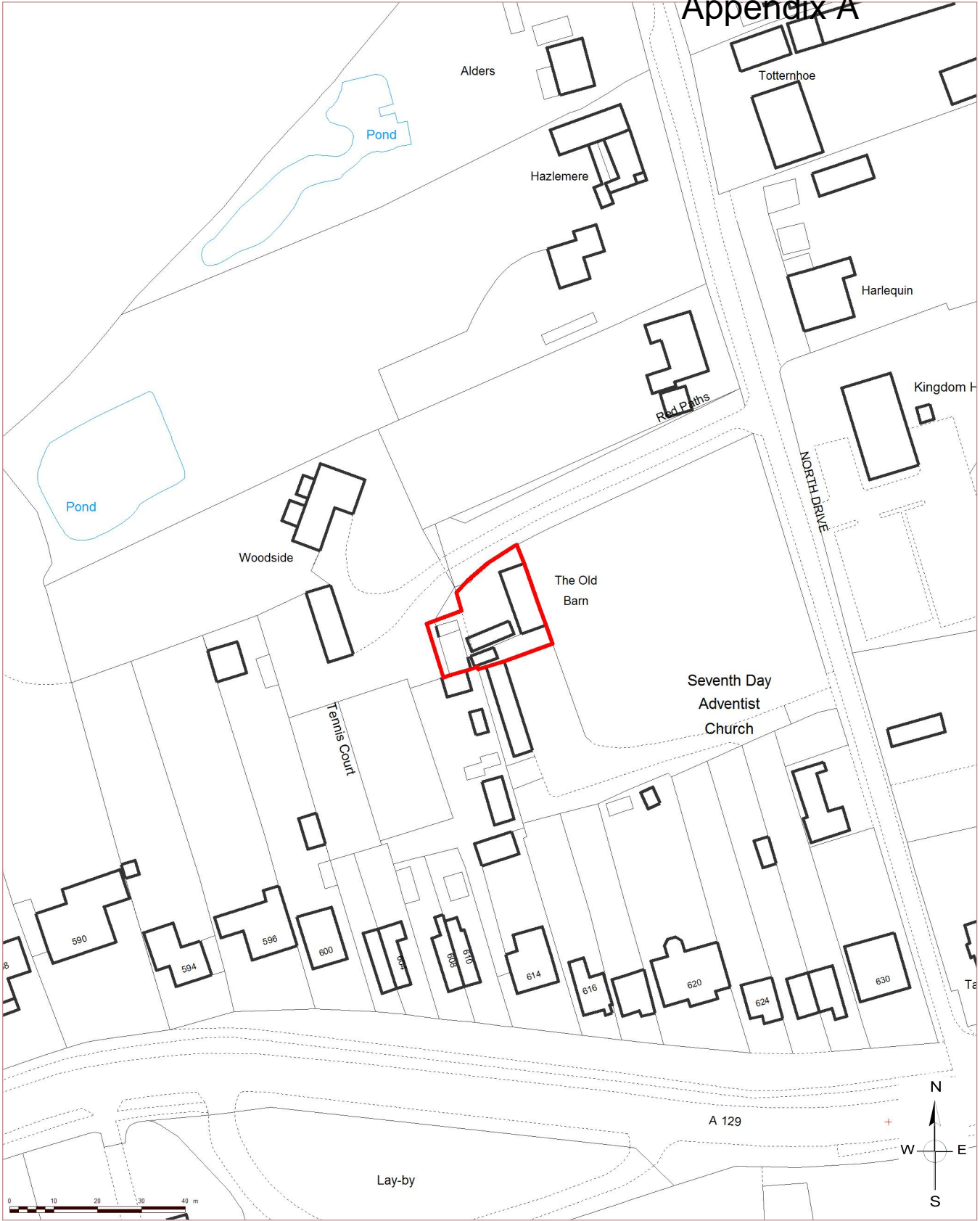
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or

not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action via pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : The Old Barn, North Drive, Hutton

16/00748/FUL

Scale at A4 : 1:1250

Date : 13th September 2016

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



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SITE PLAN ATTACHED

06. CEMETERY LODGE LORNE ROAD WARLEY ESSEX CM14 5HH

CONSTRUCTION OF GARAGE

APPLICATION NO: 16/00542/FUL

WARD	Brentwood West	8/13 WEEK DATE	18.07.2016
PARISH		POLICIES	GB1 GB2 CP1 C16 C5 NPPF NPPG
CASE OFFICER	Kathryn Mathews		01277 312500
Drawing no(s) relevant to this decision:	REVO/2142 A; 01 ;		

1. Proposals

Proposed garage building 5.5m in length x 2.5m in width and 2.9m in height; pitched roof. The materials to be used to construct the external surfaces of the building would consist of pebble dash render for the walls and slate for the roof to match the existing museum building.

The proposed use of the building would be for storage equipment to maintain museum and associated external areas.

2. Policy Context

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Brentwood Replacement Local Plan (RLP) is the development plan for this purpose. The National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) are also material considerations in planning decisions.

NPPF - National Planning Policy Framework.
NPPG - National Planning Practice Guidance
Brentwood Local Plan:

GB1 (New development) refers to the need for very special circumstances to justify proposals which are inappropriate in the Green Belt.

GB2 (Development Criteria) refers to the need to proposals not to harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. The Policy also requires account to be taken to public rights of way, existing landscape features and the location of any building in respect of the surrounding landscape and adjoining buildings.

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.

C5 (Retention and Provision of Landscaping and Natural Features in Development)

C16 (Development within the Vicinity of a Listed Building)

3. Relevant History

- : - None

4. Neighbour Responses

18 letters of notification were sent out, a site notice was displayed at the site and a press notice was published. No letters of representation have been received.

5. Consultation Responses

- **Historic Buildings And Conservation Officer:**

The development site is in proximity to the Grade II listed building of CEMETERY CHAPEL (List entry Number: 1207445) A Mid-C19 Chapel of Random Kentish rag-stone walling with oolitic limestone dressings, chamfered plinth, slate roofs. Rectangular 2-bayed nave to E and smaller chancel to W. Vestry to N of chancel (Historic England 2016).

Having assessed the proposals I raise no objection to the principle of the development or the finishes annotated, materials must be of a good quality with natural slate used - not imitation. The ancillary building being proposed to the rear will not I advise impact negatively upon the setting of the listed chapel provided the scale is amended from 1:100 on the elevations ; I assume it should read 1:50 scale.

Consequently I support this application for approval.

6. Summary of Issues

The museum site is land owned by Brentwood Borough Council.

The museum site is located at the end of Lorne Road, a residential road, but is within the Metropolitan Green Belt and accommodates a grade II listed building. The site is also within a Conservation Area and at the edge of the Thames Chase Community Forest.

The main issues which require consideration as part of the determination of the application are the impact of the development on the Green Belt, the impact of the development on the character and appearance of the area and the setting of the listed building, and any impact on the amenity of the occupiers of neighbouring properties.

S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest and requires that special attention is paid to desirability of preserving or enhancing the character or appearance of Conservation Areas.

Whilst the proposal is for a new building within the Green Belt, given the size, height and position for use ancillary to the existing use of the site as a museum, it is not considered that the development would be inappropriate development in the Green Belt and would not materially reduce the Green Belt's openness at this point, in compliance with the NPPF (section 9) and Policies GB1 and GB2.

Based on the advice of the Historic Buildings and Conservation Officer, it is also considered that the proposed building would not have an adverse impact on any heritage asset and would not have an adverse impact on the character or appearance of the area, subject to the use of natural slate, in compliance with the NPPF (section 12), NPPG and Policies CP1 (criteria i, iii and viii), C14 and C16. Given the nature and scale of the development, the proposal would not have an adverse impact on the adjacent Thames Chase Community Forest (Policy C11).

As a result of the size, position and proposed use of the building, it is not considered that the proposed development would have an adverse impact on the amenity of the occupiers of any neighbouring property.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 U13771

The roof covering shall be natural slate.

Reason: In the interests of protecting the setting of the adjoining listed building and the character and appearance of the Conservation Area.

3 DRA01A Development in accordance with drawings

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

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

Informative(s)

1 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, C11, C14, C16, CP1 the National Planning Policy Framework 2012 and NPPG 2014.

3 INF21

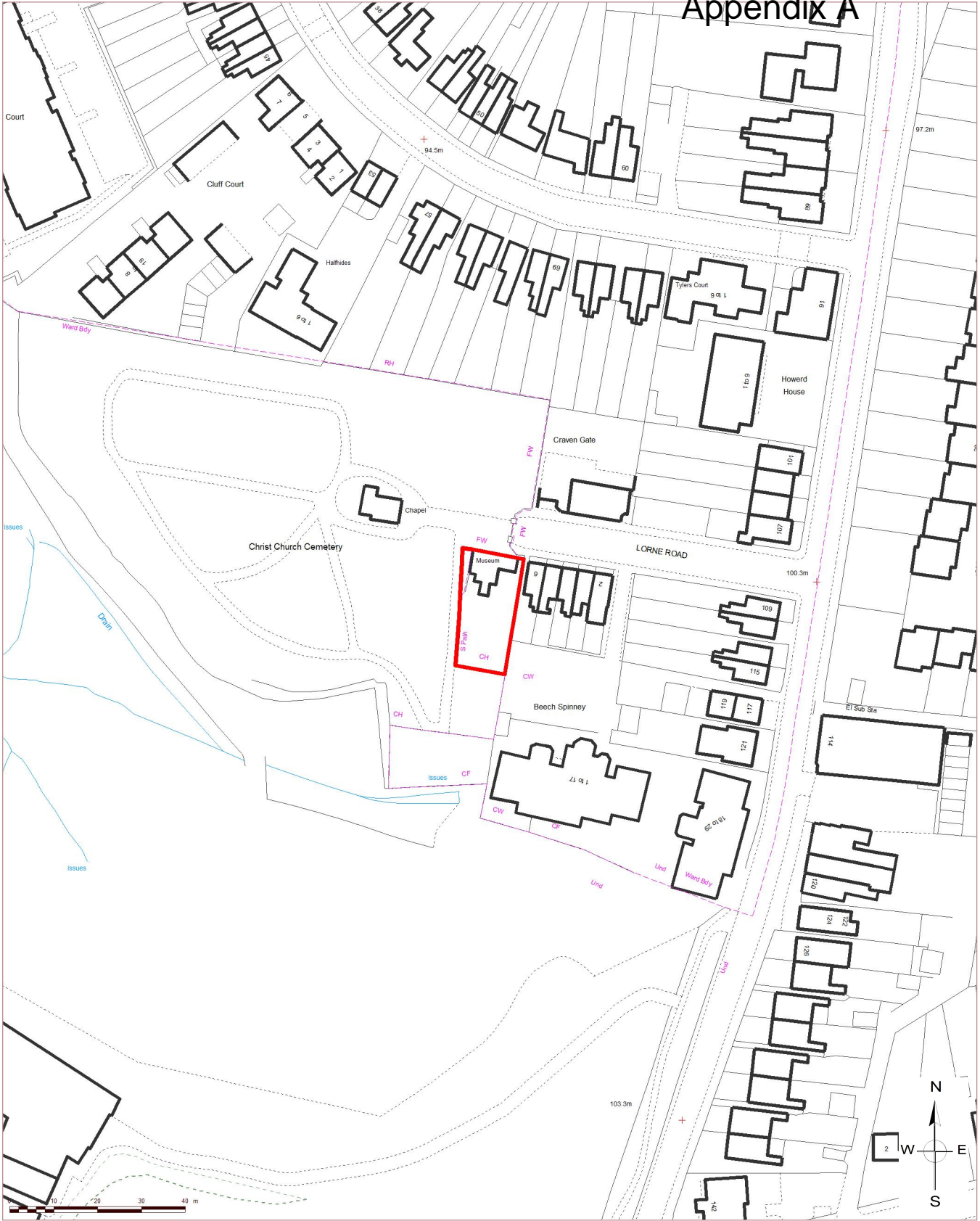
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : Cemetery Lodge, Lorne Road, Warley

16/00542/FUL

Scale at A4 : 1:1250

Date : 13th September 2016

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



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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

Planning and Licensing Committee

Planning

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

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

(b) Listed Buildings and Conservation Areas Act 1990

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

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

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

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

(c) To develop, implement and monitor the relevant strategies and 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.