



# Agenda

## Planning and Licensing Committee

Tuesday, 11 October 2016 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – )

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

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Agenda Item	Item	Wards(s) Affected	Page No
1.	<b>Apologies for Absence</b>		
2.	<b>Minutes of the Previous Meeting</b>		5 - 10
3.	<b>Minutes of the Licensing Appeals Sub Committee</b> Minutes of the Licensing Appeal Sub Committee held on 15 <sup>th</sup> September 2016.		11 - 14
4.	<b>Hackney Carriage Fares</b>	All Wards	15 - 20
5.	<b>206 HATCH ROAD, PILGRIMS HATCH, ESSEX, CM15 9QN, NEW CHALET DWELLING TO REAR OF 206 HATCH ROAD WITH ACCESS VIA ALDERTON CLOSE, APPLICATION NO: 16/00752/FUL</b>	Pilgrims Hatch	21 - 32
6.	<b>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</b>	Brentwood South	33 - 40

7. **Urgent Business**

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

Chief Executive

Town Hall  
Brentwood, Essex  
03.10.2016

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### Information for Members

#### Substitutes

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

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

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#### Rights to Attend and Speak

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

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

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

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

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##### Point of Order

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

##### Personal Explanation

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

##### Point of Information or clarification

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

## Information for Members of the Public

### **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](http://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.



## Minutes

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### Planning and Licensing Committee Tuesday, 13th September, 2016

#### Attendance

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

#### Apologies

Cllr Morrissey

#### Substitute Present

Cllr Barrett

#### Also Present

Cllr Foan	-	West Horndon Parish Council
Cllr Lockhart	-	Blackmore, Hook End & Wyatts Green Parish Council
Cllr Hossack		
Cllr Mrs Pound		
Cllr Ms Sanders		

#### Officers Present

Caroline McCaffrey	-	Development Management Team Leader
Claire Mayhew	-	Governance and Member Support Officer
Christine Stephenson	-	Planning Solicitor
Charlotte White	-	Senior Planning Officer
Tessa Outram	-	Graduate Planner
Paulette McAllister	-	Design and Conservation Officer
David Carter	-	Environmental Health Manager
Lauren Kealey	-	Tenants Participation Co-ordinator
Daniel Toohey	-	Monitoring Officer

#### 132. Apologies for Absence

Apologies were received by Cllr Morrissey, Cllr Barrett was present as a substitute.

**133. Minutes of the Previous Meeting**

The minutes of the Planning and Licensing Committee of the 19<sup>th</sup> July 2016 were approved and signed as a true record.

**134. Minutes of the Licensing Appeals Sub Committee**

The minutes of the Licensing Appeals Sub Committee of 5<sup>th</sup> July 2016 were approved and sign as a true record.

**135. Land to the front of 9-15 Fawtlers Close, Hutton, Brentwood, Essex Application No. 16/00979/FUL**

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

A vote was taken by a show of hands.

FOR: Cllr Barrell, Mrs Murphy, Mrs Middlehurst, Faragher, Bridge, Mynott, Newberry, Mrs Hubbard, Barrett, Keeble, McCheyne and Ms Rowlands (12)

AGAINST: (0)

ABSTAIN: (0)

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

1 TIM01 Standard Time - Full

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

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

**136. The Old Barn, North Drive, Hutton, Essex CM13 1SH Application No. 16/00748/FUL**

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

Ward Members, Cllr Sanders and Cllr Hossack spoke in support of the application.

After a full debate, a motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Mrs Murphy that the application should be refused on the design of the dwelling as the only reason, with the Officer's recommended first reason for refusal relating to Green Belt removed.

A vote was taken by a show of hands.

FOR: Cllrs Mrs Murphy, Mrs Middlehurst, Faragher, Bridge, Mynott, Newberry, Mrs Hubbard, Keeble, McCheyne and Ms Rowlands (10)

AGAINST: (0)

ABSTAIN: Cllrs Barrell and Barrett (2)

**RESOLVED** that planning permission is **REFUSED**, for the following reasons.

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).

**137. Cemetery Lodge, Lorne Road, Warley, Essex CM14 5HH Application No. 16/00542/FUL**

Cllr Barrell, asked that a condition be added restricting the use of the proposed building for storage in association with the use of Brentwood Museum.

Cllr Hubbard, expressed concerns over the construction vehicles churning up grass verges and requested that the access be protected from such damage

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

A vote was taken by a show of hands.

FOR: Cllr Barrell, Mrs Murphy, Mrs Middlehurst, Faragher, Bridge, Mynott, Newberry, Mrs Hubbard, Barrett, Keeble, McCheyne and Ms Rowlands (12)

AGAINST: (0)

ABSTAIN: (0)

**RESOLVED UNANIMOUSLY** that the application **APPROVED** subject to the conditions within the officer's report and addition for two conditions on restricted storage to the Museum and a construction method statement.

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.

**138. Urgent Business**

There were no items of Urgent Business.

The meeting concluded at 7.57pm.

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## Minutes

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### Licensing/Appeals Sub-Committee Thursday, 15th September, 2016

#### Attendance

Cllr Mrs Murphy  
Cllr Newberry

Cllr Ms Rowlands

#### Officers Present

Paul Adams	-	Principal Licensing Officer
Steve Blake	-	Environmental Health Officer
Dave Leonard	-	Licensing Officer
Chris Pickering	-	Principal Solicitor
Adam Rulewski	-	Barrister, BDT Legal
Jean Sharp	-	Governance and Member Support Officer

#### 150. Appointment of Chair

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

#### 151. 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.

#### 152. Declaration of Interests

There were no declarations of interest.

#### 153. Application for Review of Premises License - Licensing Act 2003 - Brentwood Snooker Club T/A The Sports Lounge

The report before the Sub-committee provided information relating to an application for a review of the premises licence held in respect of ***Brentwood Snooker Club, currently trading as the Sports Lounge, 40 High Street, Brentwood, CM14 4AJ.***

Members were requested to determine the application for review submitted under provision of section 51, Licensing Act 2003 (the Act) by the Council's

Environmental Health and Pollution team, having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

The review had been submitted following concerns over noise and disturbance, failure to comply with licence terms and conditions and perceived inability by the licence holder to adequately promote the licensing objectives.

Members were reminded that an authorisation was required in respect of any premises where it was intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

An appropriate authorisation was either a premises licence, a club premises certificate or a Temporary Event Notice.

Licence holders were required, when offering any licensable activity, to ensure that they promoted the licensing objectives at all times. The operating schedule of the application contained details of the activities applied for and the control measures that the applicant had in place in order to promote these objectives. Such measures would, where appropriate, be converted into enforceable conditions on any licence issued.

Members noted that the licence for the premises known as the Sports Lounge was transferred to the current licence holders having been initially applied for by and granted to, a Snooker Club. In the absence of any valid application to vary the licence, the Sports Lounge was required by law to operate and conduct all licensable activity in accordance with the terms and conditions of the original (Snooker Club) Licence.

A provision for any Responsible authority or any 'other person' was built into Section 51 of the Act, which permitted them to apply for a review of the premises licence in cases where it was believed or perceived that the licensing objectives were not being adequately promoted.

The four licensing objectives were:

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

No objective carried any more weight than any other and these objectives were the only matters that might be considered relevant in determination of any application, including an application for review.

The existing Premises Licence permitted the following:

- Sales of alcohol Monday to Sunday 11:00AM to 02:30AM
- Indoor Sporting Events Monday to Sunday 11:00AM to 03:00AM

No other licensable activities were permitted under the current authorisation.

The application was received on 2 June 2016 from the Council's Environmental Health and Pollution team following complaints and investigations relating to noise and disturbance from the premises. A copy of the application was before Members.

The grounds for review had been stated on the application and were concerned in the main with public nuisance relating to noise and disturbance from the premises, particularly late at night.

Following submission of the application it was advertised in accordance with regulations for a period of 28 days, during which time any other responsible authority or 'any other person' might submit representation either in support of, or against the review. Such representations were not restricted to only the public nuisance objective; they might be submitted in respect of any of the four licensing objectives.

Following advertising of the application representations were received from Essex Police, the Licensing Authority, a resident living above the premises and a petition from local shop owners and customers of the premises (some in generic letter form) in support of the premises i.e. against the application for review.

The representations were based on the objectives of public nuisance, prevention of crime and disorder and public safety and copies were appended to the agenda.

The Sub-committee was addressed by Mr Rulewski who spoke on behalf of the Environmental Health and Pollution team and he called upon the Council's Environmental Health officer and Licensing officer, also a representative of Essex Police Licensing team and the resident disturbed by the noise emanating from the Sports Lounge to provide evidence in support of the application.

Mr Dadds addressed the Sub-committee on behalf of the premises licence holder against the application.

The Sub-committee considered the written and oral information provided and advised all present of their decision.

Firstly, the Sub-committee found that the review was properly brought. It accepted the evidence of Environmental Health and the Licensing Officer that there had been breaches of the licence in relation to the playing of music, sports other than snooker such as darts and poker being played and evidence of children being on the premises. The Sub-committee read the extensive diarised narrative from the Licensing Officer detailing his dealings with the premises over a number of months. The Sub-committee concluded from this that the engagement from the premises has not been ideal.

In terms of the substance of the review, the Sub-committee accepted the submission on behalf of the premises that crime and disorder was not an issue with this venue. The incidents of crime and disorder relating to this venue were minor in the view of the Sub-committee.

The Sub-committee noted that no formal action had been taken against the premises in respect of statutory nuisance. The sub-committee did not find evidence of a wider noise issue than that relating to the upstairs flats, and therefore could not find a wider public nuisance.

The Sub-committee had sympathy with the tenant in relation to noise emanating from the venue, noise that was not denied. The Sub-committee had to consider the issues on the law however and had considered the submissions in relation to public and private nuisance and had taken advice from the advisor to the Sub-committee. The Sub-committee was taken to the decision of PYA Quarries as quoted in the well known decision of Hope & Glory and in particular the comments of Lord Denning where he said "a public nuisance affects Her Majesty's subjects generally, whereas a private nuisance only affects particular individuals". The Sub-committee found that tenants in the building were individuals rather than a wider definable class capable of being classed as the public. The Sub-committee therefore found that this was a private nuisance and was a matter between the tenant and her landlord. The Sub-committee hoped that a resolution could be reached with the assistance of the premises together with the landlord.

In light of the above findings, the Sub-committee concluded that the current conditions on the licence should remain in place. Some of these appeared to be out of date and might require revision pursuant to the appropriate procedures. The breaches of the current conditions as found by the Sub-committee did not form the basis of the application for review however and the Sub-committee found that there was no scope for imposing new conditions on the basis of the application for review.

Therefore for the reasons given above, the Sub-committee concluded that the current conditions should remain in place and any application for amendment or any further breaches of the licence could be dealt with in the appropriate manner.

The meeting ended at 3.00pm

**11 October 2016**

## **Planning and Licensing Committee**

### **Hackney Carriage Fares**

**Report of:** *Paul Adams, Principal Licensing Officer*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Local Authorities have a power to set fares for hackney carriages. A request from representatives of the hackney carriage trade via the TTCG (Taxi Trade Consultative Group) has been received for an increase in the Taxi Fare, this reports seeks agreement to allow for public consultation as in accordance with the statutory requirements.

#### **2. Recommendation(s)**

- 2.1 That the Committee agrees for the proposed table of fares, as set out in appendix A, to go out for public consultation, in accordance with the statutory requirement.**

#### **3. Introduction and Background**

- 3.1 Local Authorities have the power to set fares for hackney carriage vehicles.
- 3.2 The setting of fares relates to the council fixing the rates or fares within the district, this may include what is charged for time and distance travelled and all other charges in connection with the hire of a vehicle or with the arrangements for hire of a vehicle.
- 3.3 The rate or fares set is known as the "table of fares"
- 3.4 This fare is the maximum amount that can be charged, an individual driver does have the ability to charge below the amount prescribed in the table of fares if they chose to do so.

- 3.5 The table of fares were last set with effect from December 2014 as detailed in Appendix A.
- 3.6 The cost of providing and running a hackney carriage vehicle has increased since the fare was set in 2014 , this increase is being requested to rebalance to costs with the income achieved to ensure that a living wage can be achieved.
- 3.7 The power to set fares is provided by Section 65, Local Government (Miscellaneous Provisions) Act 1976.
- 3.8 When this power is exercised the Local Authority must publish in at least one local newspaper circulating in the district a notice setting out the table of fares allowing not less than 14 days for objection to be made. The Local Authority must make available at their offices a copy of said notice.
- 3.9 If after the 14 days no objection has been received or received and withdrawn, then the new fare takes effect from the date published in the notice.
- 3.10 If objection has been received and not withdrawn the Local Authority must consider the objection and may make changes to the proposed table of fares as it feel necessary, or it may chose to not make any changes to the proposal.

#### **4. Issue, Options and Analysis of Options**

- 4.1 A request from representatives of the hackney carriage trade via the TTCG (Taxi Trade Consultative Group) has been received for an increase in the Taxi Fare.
- 4.2 The proposes table of fares is attached as Appendix A.
- 4.3 It is intended that the new table of fares will come into effect from 1st December 2016.

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

- 5.1 The process of setting Hackney carriage Fares is prescribed by the legislation, this recommendation is compliant with the procedure to be followed.



## **6. Consultation**

- 6.1 Following agreement by this committee the public consultation will be carried out in accordance with the requirements contained within Section 65, Local Government (Miscellaneous Provisions) Act 1976.
- 6.2 A notice will be published in a local paper the week beginning the 17 October 2016, and will be posted on Brentwood Councils Website and on the public notice board at the front of the Town Hall, giving 14 days for representations to be made.
- 6.3 If no representations are received then the proposed table of fares will come into effect on the 1st December 2016.
- 6.4 If representation is received then that representation will be presented to the Licensing Committee for consideration.

## **7. References to Corporate Plan**

- 7.1 None

## **8. Implications**

### **Financial Implications**

**Name & Title: Ramesh Prashar, Finance Director**

**Tel & Email: 01277 312 513 / ramesh.prashar@brentwood.gov.uk**

- 8.1 There are no financial Implications for Brentwood Council

### **Legal Implications**

**Name & Title: Saleem Chughtai, Legal Services Manager**

**Tel & Email: 01277 312 860 / saleem.chughtai@brentwood.gov.uk**

- 8.2 The Legal Implications are contained within the body of the report.

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

- 8.3 The table of fares does not allow additional charges to be made for passengers accompanied by guide dogs or wheelchair users. This recognises the relevant duty set out in legislation to make reasonable adjustments for disabled users of Hackney Carriages.

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

9.1 Local Government (Miscellaneous Provisions) Act 1976.

**10. Appendices to this report**

Appendix A - Existing Table of Fares December 2014 and Proposed Table of Fares.

**Report Author Contact Details:**

**Name:** Paul Adams  
**Telephone:** 01277 312500  
**E-mail:** paul.adams@brentwood.gov.uk

20/09/16

**Current Tariffs Dec 2014**

**Proposed Tariffs**

	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 3</b>	<b>Tariff 4</b>
	<b>100.00%</b>	<b>112.50%</b>	<b>125.00%</b>	<b>200.00%</b>
<b>Initial Price</b>	<b>£3.00</b>	<b>£3.30</b>	<b>£3.70</b>	<b>£5.90</b>
<b>Unit Price</b>	<b>£0.20</b>	<b>£0.20</b>	<b>£0.20</b>	<b>£0.20</b>

	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 3</b>	<b>Tariff 4</b>
	<b>100.00%</b>	<b>112.50%</b>	<b>125.00%</b>	<b>200.00%</b>
<b>Initial Price</b>	<b>£3.40</b>	<b>£3.80</b>	<b>£4.20</b>	<b>£6.80</b>
<b>Unit Price</b>	<b>£0.20</b>	<b>£0.20</b>	<b>£0.20</b>	<b>£0.20</b>

	<b>1053</b>	<b>1000</b>	<b>1020</b>	<b>1017</b>
<b>Yards to flagfall</b>	<b>1053</b>	<b>1000</b>	<b>1020</b>	<b>1017</b>
<b>Yards per drop</b>	<b>158.00</b>	<b>141.00</b>	<b>126.00</b>	<b>79.00</b>
<b>Initial Wait (secs)</b>	240	227	259	245
<b>Unit Wait (secs)</b>	36	32	32	19

	<b>1053</b>	<b>1034</b>	<b>1024</b>	<b>1053</b>
<b>Yards to flagfall</b>	<b>1053</b>	<b>1034</b>	<b>1024</b>	<b>1053</b>
<b>Yards per drop</b>	<b>154.00</b>	<b>137.00</b>	<b>123.00</b>	<b>77.00</b>
<b>Initial Wait (secs)</b>	239	234	233	260
<b>Unit Wait (secs)</b>	35	31	28	19

	<b>£3.89</b>	<b>£4.38</b>	<b>£4.87</b>	<b>£7.78</b>
<b>1st Mile</b>	<b>£3.89</b>	<b>£4.38</b>	<b>£4.87</b>	<b>£7.78</b>
<b>Per Mile</b>	<b>£2.23</b>	<b>£2.50</b>	<b>£2.79</b>	<b>£4.46</b>
<b>Waiting time</b>	<b>£20.00</b>	<b>£22.50</b>	<b>£22.50</b>	<b>£37.89</b>

	<b>£4.32</b>	<b>£4.86</b>	<b>£5.40</b>	<b>£8.64</b>
<b>1st Mile</b>	<b>£4.32</b>	<b>£4.86</b>	<b>£5.40</b>	<b>£8.64</b>
<b>Per Mile</b>	<b>£2.29</b>	<b>£2.57</b>	<b>£2.86</b>	<b>£4.57</b>
<b>Waiting time</b>	<b>£20.57</b>	<b>£23.23</b>	<b>£25.71</b>	<b>£37.89</b>

<b>First Mile Increase</b>	<b>£0.42</b>	<b>£0.48</b>	<b>£0.52</b>	<b>£0.86</b>
<b>Per Mile Increase</b>	<b>£0.06</b>	<b>£0.07</b>	<b>£0.07</b>	<b>£0.12</b>

**Sample Fares**

<b>Mileage</b>	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 3</b>	<b>Tariff 4</b>	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 3</b>	<b>Tariff 4</b>
<b>1</b>	£3.89	£4.38	£4.87	£7.78	£4.32	£4.86	£5.40	£8.64
<b>2</b>	£6.12	£6.87	£7.67	£12.24	£6.60	£7.43	£8.26	£13.21
<b>3</b>	£8.35	£9.37	£10.46	£16.69	£8.89	£10.00	£11.12	£17.78
<b>4</b>	£10.58	£11.87	£13.26	£21.15	£11.18	£12.57	£13.98	£22.35
<b>5</b>	£12.81	£14.36	£16.05	£25.60	£13.46	£15.14	£16.84	£26.92
<b>6</b>	£15.03	£16.86	£18.84	£30.06	£15.75	£17.71	£19.71	£31.49
<b>7</b>	£17.26	£19.36	£21.64	£34.52	£18.03	£20.28	£22.57	£36.06
<b>8</b>	£19.49	£21.85	£24.43	£38.97	£20.32	£22.85	£25.43	£40.64
<b>9</b>	£21.72	£24.35	£27.22	£43.43	£22.60	£25.41	£28.29	£45.21
<b>10</b>	£23.95	£26.85	£30.02	£47.88	£24.89	£27.98	£31.15	£49.78

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**SITE PLAN ATTACHED**

**5. 206 HATCH ROAD PILGRIMS HATCH ESSEX CM15 9QN**

**NEW CHALET DWELLING TO REAR OF 206 HATCH ROAD WITH ACCESS VIA ALDERTON CLOSE**

**APPLICATION NO: 16/00752/FUL**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	20.07.2016
<b>PARISH</b>		<b>POLICIES</b>	CP1 T2 H17 NPPF NPPG
<b>CASE OFFICER</b>	Kathryn Mathews	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	001 A; 002; 003; DESIGN & ACCESS STATEMENT; CONSTRUCTION METHOD; SURFACE WATER DRAINAGE STRATEGY E;		

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

The layout and design of this application is cramped, it also sets a precedent for back land development in this semi rural environment. It would be to the detriment of the area lowering special and design standards. This conflicts with NPPF para 56 and 64 which seeks to improve the character of the area. I believe this application to be contrary to Policy CP1 (and iii) and H17 of the adopted Local Plan. This application increases the risk of flooding in the area contrary to sec.10 of the NPPF.

**1. Proposals**

New chalet four bedroom dwelling to rear of 206 Hatch Road with access via Alderton Close: 6.7m x 11.9m and 7m in height, pitched roof with flat roofed dormers to front and rear ( 6.4m in width and 1.8m/2.2m in height).

The materials to be used to construct the external surfaces of the dwelling would consist of brick for the walls and concrete/composite tile for the roof. Reference is made to the incorporation of PV solar panels into the tiled roof.

A total of four off-street parking spaces would be provided.

The application site measures approximately 48m in depth and a maximum of 18m in width.

The entrance to the new property would be via Alderton Close and a driveway to be created off the end of Alderton Close in front of 11 Alderton Close. Reference is made to the 'use of the drive by no.11 Alderton Close as a crossover will continue as per the existing, with a new agreement'.

The application is accompanied by a Design and Access Statement, a Construction Method Statement and a Surface Water Drainage Strategy. The latter concludes that the use of SuDS techniques on site, as detailed in the report, when designed and installed in line with best practice (i.e. BRE365 and CIRA 753), will mitigate and treat run-off volumes in line with the core policies and not increase flood risk elsewhere. Any exceedence flows or system failure will be taken to the existing surface water network with the proposed consents. The techniques referenced in the report include soakaways, permeable pavements, bio-retention planting and water butts.

There would be permeable surfaces and soakaways provided in both the front and rear garden areas.

## **2. Policy Context**

The National Planning Policy Framework (NPPF) (27 March 2012)

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.

H17 (Dormer Windows) requires dormer windows to be of a design and scale which is a subsidiary feature of the roof.

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**

- 15/00426/FUL: New chalet dwelling to rear of 206 Hatch Road with access via Alderton Close -Application Refused
- 16/00759/PN42: Single storey rear extension. The proposed extension would extend 6m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 3.6m and the proposed eaves height would be 2.9m -Application Refused

### **4. Neighbour Responses**

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

16 letters of objection (including one from the Ward Councillor, Vicky Davies) have been received raising the following concerns:-

- very similar to proposal previously turned down
- will be major issues with surface water flooding and would exacerbate existing problems – surface water drainage strategy still inadequate
- upheaval, noise, construction traffic - highway safety and parking issues during construction
- proposal will be an eyesore
- would be extremely close to no.11 and no.4 will have to overlook the development
- parking within Alderton Close already limited - concern regarding emergency services access
- street scene drawings submitted are misleading
- proposed access would result in loss of at least one parking space at 11 Alderton Close and restrict access to their garage
- incongruous, piecemeal development, over-development of Alderton Close and not in keeping with the character of the area
- would set precedent for further garden grabbing
- concerns that planting of Birch trees not appropriate in a confined area - would have impact on light pollution for 204, 206 and 208 Hatch Road
- loss of existing vegetation and would appear squeezed in
- applicant has applied to extend their home (16/00759/PN42)
- would lower the spatial and design standards which conflicts with the NPPF (para 56 and 64) which seeks to improve the character of the area, contrary to section 10 of the NPPF (flooding) and Local Plan Policies CP1 and H17.
- now garage not proposed, potential overlooking to rear of 204 and 206 Hatch Road
- application form not completed correctly/fully
- would no longer be an 'open aspect and sense of spaciousness'.

## 5. Consultation Responses

- **Highway Authority:**

No objections subject to conditions preventing use of unbound material in the surface treatment of the vehicular access, and the provision and implementation of a residential travel information pace approved by ECC.

- **Environmental Health & Enforcement Manager:**

No comments to make except to promote the use of renewable technologies in this development.

- **County Archaeologist:**

The area is of interest as the proposed development is in the grounds of the former Bawd's Hall and on the historic maps a water feature can be seen close to the proposed development. This feature is thought to be a large pond rather than a moated site. The plans that have been submitted show that the proposed house is not located over the pond/water feature, or other features associated with the former hall. Therefore, there is no requirement for any archaeological work as part of this planning application.

- **ECC SUDS:**

This development is not considered major and therefore we will not be commenting on the surface water drainage scheme at this site.

- **Building Control:**

Looking at the Planning inspectors comments, I note that the methodology is not in question (taking into account the apparent further technical review from the inspectorate side), only the input criteria (which was apparently arrived at in previous discussions with the council). This supports the competency view of the report author. The calculations appear to have been changed to include a 100 year event as requested. The areas of hard roofing have also been reduced, mainly by the removal of the garage, thereby further 'lowering the load' . The rainwater butt observation is in fact error, in overall terms, as this was only ever an 'in line' additional measure to the overall disposal scheme; which is direct to disposal systems. Therefore the inspectors concerns appear to have been covered. This however is a lay professional view. Should an independent finite view be required then a specialist consultant should be contacted.

## 6. Summary of Issues

The application site is located at the end of a cul-de-sac (Alderton Close) which consists of a mixture of chalet-style detached bungalows, single storey bungalows, a two storey terrace and a garage block. The site is located in a residential area (the northern boundary of the application site abuts the Metropolitan Green Belt).



Planning permission was previously refused for the same description of development (reference 15/00426/FUL) and a subsequent appeal dismissed in April 2016. In dismissing the appeal, the Inspector raised concerns regarding the double garage which formed part of the appeal proposal and the use of pitched roofs to the dormers proposed. The Inspector considered that the use of pitched roofs to the dormers would increase their scale and bulk to the extent that they would dominate the roof. For these reasons, the Inspector concluded that the proposal would unacceptably harm the character and appearance of the area. The appeal was also dismissed as the Inspector concluded that it had not been shown that the proposed development would not increase flood risk off site. The Inspector made reference to the infiltration devices proposed (permeable hardstanding, water butts, planting and soakaways) in the Surface Water Drainage Strategy submitted as part of the application having been based on a 1 in 30 year storm with climate change. However, he also noted that Essex County Council's Sustainable Drainage System Design Guide advises that their capacity should be based on a 1 in 100 year rainfall event, including an allowance for climate change. As that document had been formally adopted by the local planning authority, following public consultation carried out by the Council, the Inspector attached significant weight to it. He also raised concerns that the reliance on water butts did not allow for them being less than full prior to periods of heavy rain so their contribution towards attenuating the flow of surface water would have been limited.

The current proposal omits the previously proposed garage and the design of the dormer windows has been amended. A new Surface Water Drainage Strategy has also been submitted.

The main issues which require consideration as part of the determination of this application are the principle, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, highways/parking issues and the quality of life for the occupiers of the proposed and existing dwellings. It is also necessary to consider surface water drainage in this case.

The site is located within an area allocated for residential purposes. The application site does form part of the rear garden of 206 Hatch Road and is, therefore, not classified as brownfield land. However, given the location of the site in a residential area with a means of vehicular access, it is considered that the principle of residential development is acceptable. The Inspector did not dismiss the previous appeal due to concerns regarding the principle of the development.

Given the location of the application site, it is considered that it is appropriate to only consider the impact of the proposed development on the character and appearance of Alderton Close. The proposed dwelling would be constructed at the end of Alderton Close and within a curtilage larger than the existing properties in the Close. The existing dwellings in the Close vary in design but those which would immediately neighbour the proposed dwelling, (9, 10 and 11) are chalet style bungalows with large flat roofed dormer windows to the front and rear roof slopes. The proposed dwelling would be of a comparable design with flat roofed dormer windows, and of comparable height and footprint size. The proposed dwelling would be located at least 1m from the side boundaries of the site. The proposed dormer windows would be out-of-scale with the roof within which they would be constructed, contrary to Policy H17, but, given that the neighbouring properties at 9, 10 and 11 Alderton Close have similarly scaled dormer windows and as the application site is not in a visually prominent location, it is considered that a refusal of planning permission on this basis could not be substantiated in this case. The proposal would require the removal of some existing shrubs, trees and hedging but, given their nature, extent, height and species, it is considered that their removal would not be materially harmful to the character or appearance of the area subject to the proposed landscaping being carried-out. On the basis of the above, it is considered that the proposed development would not be out-of-keeping with the neighbouring development or be incongruous in the street scene, in compliance with the NPPF, NPPGs and Policy CP1 (criteria i and iii), and the concerns of the appeal Inspector on this matter have been overcome.

The proposed dwelling would be located adjacent to the blank side, garage wall of 11 Alderton Close and would only project around 1.5m beyond the rear and front elevations of this neighbouring property. The proposed dwelling would be located adjacent to part of the rear garden of 204 Hatch Road but would be located over 30m from the dwelling at 204 Hatch Road. Therefore, it is considered that any loss of outlook, loss of sunlight or loss of daylight to this neighbouring garden area would be minimal. In terms of overlooking, there would be no habitable room windows proposed on the side elevations of the dwelling proposed. The proposed first floor bedroom windows would be located 15m from the proposed rear garden boundary of 206 Hatch Road and at least 34m from the nearest rear facing windows (which are at ground floor level) of 204 and 206 Hatch Road. Any opportunities for overlooking of the rear garden area of 204 Hatch Road at a distance of less than 15m would be oblique at an angle of less than 90 degrees. It is considered that, given these distances and relationships, the potential for material harm to be caused by reason of loss of privacy would be minimal. On this basis, it is considered that the proposed development would not cause material harm to the amenity of the occupiers of any neighbouring residential property by reason of loss of privacy, loss of outlook, loss of sunlight, loss of daylight and dominance, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). The Inspector did not dismiss the previous appeal due to concerns relating to the amenity of neighbours.

The proposed dwelling would be provided with more than two off street parking spaces which would comply with the adopted standards and the submitted drawings do not suggest that vehicular access to existing properties or the existing garages would be prevented as a result of the development proposed. The Highways Officer raises no objection to the proposal, subject to the imposition of conditions. On this basis, it is considered that the development would not cause harm to highway safety, in compliance with the NPPF, Policy CP1 (criteria iv and v) and Policy T2. The previous appeal was not dismissed due to concerns regarding highway safety or parking.

The existing and proposed dwellings would be provided with in excess of the recommended minimum of 100sq.m. private amenity space, and the new dwelling would be provided with adequate off-street parking. On this basis, it is considered that the quality of life for the occupiers of the existing and proposed dwellings would be satisfactory, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). The previous appeal was not dismissed on the basis of concerns regarding the quality of life for the occupiers of the existing or proposed dwellings.

A Surface Water Drainage Strategy has been submitted as part of the current planning application in response to the concerns raised by the Inspector who determined the previous appeal. An independent consultant has been instructed by the Council to provide the local planning authority advice on the current Strategy. The following advice has been provided:-

'Having reviewed the latest (Aug 2016) drainage report: In principle the drainage strategy appears acceptable. The applicant has now provided the infiltration test information, although this does not clarify expected depths to groundwater. The soakaway is proposed to be shallow, but given the local reports of high groundwater (perched?), may still be affected by high groundwater. The soakaway testing was also not strictly undertaken in accordance with BRE365 in that three successive tests are required. It would seem that the uncertainties in the effectiveness of soakaways is therefore why the drainage proposals also includes an overflow system with restricted outflow rate. It is assumed that the piped overflow will be situated above the top design water level in the soakaway. The proposed 5 l/s overflow could be reduced to a lower flow rate, to better match existing greenfield rate, because with a private system there is no restriction on flow control orifice size (except a sensible minimum for practical/maintenance reasons). The drainage strategy (Aug 2016) has been prepared for the 1:100 + climate change storm events and does not rely upon water butts, addressing two of the items raised by the Inspector at the previous appeal. Prior to construction, it would be advisable to:

- Undertake further excavations to be carried out to confirm groundwater depths and undertake further soil testing in accordance with BRE365 to check final soakaway sizings.
- Obtain Anglian Water approval to the proposed connection/outflow.

- Consider a lower outflow rate for the positive outfall to public sewer whilst still providing attenuation for the 1:100 + climate change storms assuming the soakaway has failed.'

On the basis of this advice, it is considered that it has now been shown that the proposed development would not increase flood risk off site, subject to the imposition of conditions, in compliance with section 10 of the NPPF. The concerns of the appeal Inspector on this matter have, therefore, been overcome.

In response to the concerns raised by local residents, most have been addressed above. In response to those matters which have not, the following comments are made:-

- inconvenience during the construction period would be minimised through the implementation of the proposed Construction Method Statement

## **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 U14642**

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 U13920**

Prior to occupation of the proposed development, the occupiers shall be provided a Residential Travel Information Pack for sustainable transport, in accord with details which shall have first been submitted to and approved in writing by the local planning authority.

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

4 U13921

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

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

5 LAN03 Landscaping - full - details submitted

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. 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 that has been 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 U14797

The development shall not be commenced until approval to the proposed connection/outflow to the public sewer has been obtained from Anglian Water.

Reason: In order to ensure satisfactory drainage of the development.

7 U14673

No development shall take place until further excavations to confirm groundwater depths and soil testing have been completed in accordance with BRE365. No development shall take place until details have been submitted to and approved in writing by the local planning authority which demonstrate that the size of the soakaways have been designed on the basis of the further excavations and soil testing completed in accordance with BRE365. The development shall be completed and retained in accordance with the approved details.

Reason: In order to ensure satisfactory drainage of the development. This issue is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the surface water drainage for the proposal would be satisfactory in perpetuity. In the absence of this condition, it would have been necessary to refuse planning permission.

8 U14798

The piped overflow shall be situated above the top design water level in the soakaway and the flow rate of the overflow shall be a maximum of 3 l/s.

Reason: In order to ensure satisfactory drainage of the development.

9 U14643

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications, including the Construction Method Statement and Surface Water Drainage Strategy submitted as part of the application, unless otherwise required by any of the above conditions.

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

#### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, H17 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.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**

# Appendix A



Title : 206 Hatch Road, Pilgrims Hatch

16/00752/FUL

Scale at A4 : 1:1250

Date : 11th October 2016

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



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**SITE PLAN ATTACHED**

**6. 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**

<b>WARD</b>	Brentwood South	<b>8/13 WEEK DATE</b>	16.12.2015
<b>PARISH</b>		<b>POLICIES</b>	CP1 NPPF NPPG
<b>CASE OFFICER</b>	Kathryn Mathews		01277 312500
<b>Drawing no(s) relevant to this decision:</b>	01; 02;		

**1. Proposals**

Consideration of this application was deferred at the January 2016 Planning and Licensing Committee as Cllr Wiles advised the Committee that the applicant would be submitting the necessary documentation to overcome the reasons for the officer's recommendation for refusal (Minute 303 refers). The additional information which was subsequently received was insufficient to overcome the Environmental Health Officer's objection to the proposal as it consisted of a standard picture of an external flue terminating above eaves level and there was no information detailing and confirming all of the various requirements outlined in their consultation response. However, the matter has now been resolved following subsequent discussions between the Environmental Health Officer and the applicant.

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 as originally submitted, the applicant explained that due to 'popular demand' for chips, they had installed a table top thermostat controlled fryer and had upgraded their extraction ventilation system inside the premises but that there had been no change to the vents on the exterior wall. They also wished to use an oven at the premises for jacket potatoes and warming rolls on occasion. A Bain Marie was used to keep beans/mushrooms/tomatoes warm. Photographs of the internal extraction ventilation system, fryer, Bain Marie and oven which had been installed were provided. A copy of a gas inspection record and a Fire Risk Assessment also accompanied the application. The applicant stated that they wished to be able to serve a wider variety of hot foods at the premises.

It is understood that the applicant no longer intends to use a fryer and that the fryer that had been installed is to be removed from the premises but that a Bain Marie, griddle, oven and grill are in use.

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).

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:**  
None.

- **Environmental Health & Enforcement Manager:**
  - o There will be allowed; Bain Marie, Griddle, Oven and grill.
  - o No Fryer. This equipment to be removed.
  - o External point for the ventilation to be left as terminating as a vent on the wall. With a caveat that if they expand their cooking range/equipment then we will require full ductwork + termination 1m from roof level/gutter (depending).
  - o Grease trap to be installed as soon as possible. This has already been purchased.
  - o Grease filter to be installed after the baffles within the ventilation hoods in the kitchen. Again, if they expand their cooking range/equipment, an Activated Carbon filter would be required to be installed after the Grease filter.

## 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 does not currently need to be provided to the kitchen area. As a result, it is considered that the now amended proposal would not cause harm to the amenity of the occupiers of neighbouring and local residents by reason of odour, noise, vibration, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). The application is recommended for approval on this basis below, subject to a condition limiting the cooking/heating equipment that can be used at the premises.

## 7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 U14681

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

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

2 AME01            Applications for Amendments

This permission relates only to condition 4 of planning permission 15/00145/FUL and in all other respects the development shall be carried out fully in accordance with planning permission reference 15/00145/FUL granted on 26 June 2015.

Reason: To establish the scope of this permission.

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 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 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 INF22

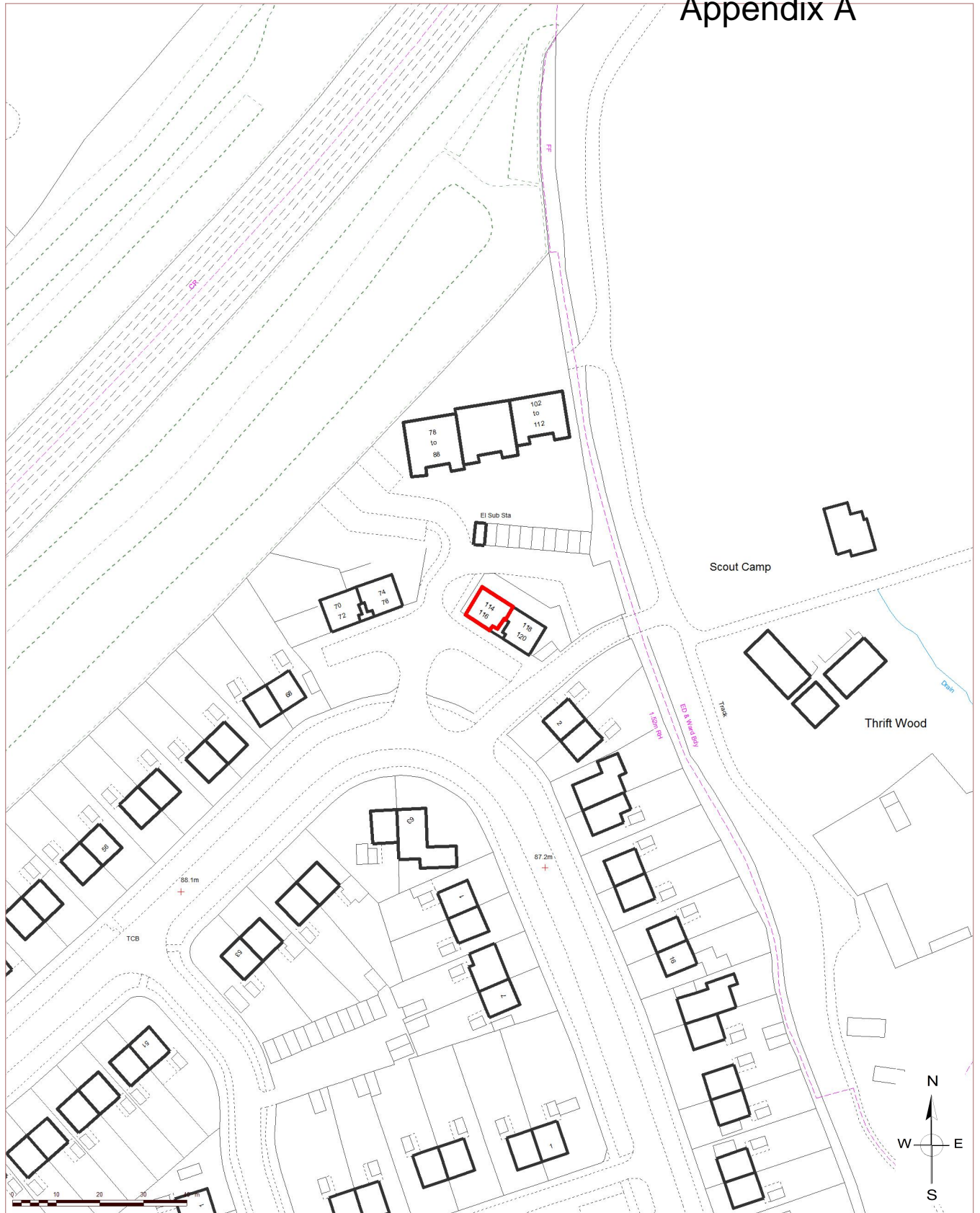
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local 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 : 114 Orchard Avenue, Brentwood

15/01341/FUL

Scale at A4 : 1:1250

Date : 11th October 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.