



# Agenda

## Planning and Licensing Committee

Tuesday, 24 January 2017 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 4)

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

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Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 12
3.	Fees and Charges - Licensing	All Wards	13 - 20
4.	Fees & Charges - Planning and Building Control	All Wards	21 - 32
5.	5 La Plata Grove, Brentwood, Essex, CM14 4LA Application Number: 16/01406/FUL	Brentwood West	33 - 40
6.	Clay Hall, Days Lane, Pilgrims Hatch, Essex, CM15 9SJ Application Number: 16/01540/FUL	Pilgrims Hatch	41 - 48
7.	Lion Lodge South, The Avenue, Warley, Essex, CM13 3RZ Application Number: 16/01492/FUL	Warley	49 - 60

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|------------|--|-------------------|
| <b>8.</b>  | <b>Response to Essex Waste Plan</b>  | All Wards 61 - 84 |
| <b>9.</b>  | <b>Brentwood Monitoring Report: Employment and Retail</b><br>Report to follow. | All Wards         |
| <b>10.</b> | <b>Urgent Business</b>   |                   |

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

Head of Paid Service

Town Hall  
Brentwood, Essex  
16.01.2017

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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

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If you are seated in the public area of the Council Chamber, it is likely that your image will be captured by the recording cameras and this will result in your image becoming part of the broadcast. This may infringe your Human Rights and if you wish to avoid this, you can sit in the upper public gallery of the Council Chamber.

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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**

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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

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

#### Attendance

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

#### Also Present

Cllr Foan	-	West Horndon Parish Council
Cllr Lockhart	-	Blackmore, Wyatt Green & Hook End Parish Council
Cllr Hossack		

#### Officers Present

Phil Drane	-	Planning Policy Team Leader
Caroline McCaffrey	-	Development Management Team Leader
Claire Mayhew	-	Governance and Member Support Officer
Sonia Sharp	-	Planning Solicitor
Nick Howard	-	Senior Planner
Lorne Spicer	-	Business Development and Communications Officer
Daniel Toohey	-	Monitoring Officer

#### 232. Apologies for Absence

No apologies were received. The Chair welcomed the newly appointed Planning Solicitor, Sonia Sharp to the committee.

#### 233. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee of the 11th October 2016 were approved and signed as a true record, subject to an amendment that Cllr Faragher apologies be included on the attendance list.

#### 234. Minutes of the Licensing Appeals Sub Committee

The minutes of both the Licensing Appeal Sub-Committees held on 18th October 2016 were approved and signed as a true record.

**235. Variation of the Agenda**

**RESOLVED**, following a request from the Chair, to move item 7 - Enclosed dry recycling facility, Brentwood Transport Depot, The Drive, Great Warley, be debated before Item 4.

**236. Enclosed dry recycling facility - Brentwood Borough Council Transport Depot, The Drive, Great Warley, Essex. CM13 3BH - Planning Application 16/01411/BBC**

Cllr Hubbard, Ward Member expressed concerns on future vehicles movement and increases in vermin and smells within the site. The officer confirmed that due to structure, type of waste and location, the increase in vermin and small should be insignificant or non-existent.

The Officer informed the committee that the Tree Officer requested an additional condition in relating to an implementation scheme before development.

After a discussion, Cllr Faragher suggested that the use of the dry recycling site be restricted for the sole use of Brentwood Borough Council.

Cllr Hossack, Chair of Environment and Housing Committee spoke in support of the application and clarified that the application was for Brentwood Borough Council use only and not a commercial venture.

The Officer clarified that if any private operator wishes to use the facility in the future, a further planning application would be required and assessed on its own merits.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Faragher to **APPROVE** the application subject to the additional condition relating to Trees and a mechanism for the facility to be used solely by Brentwood Borough Council.

A vote was taken by a show of hands

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

AGAINST: (0)

ABSTAIN: (0)

The Application be **APPROVED** subject to the following conditions and the additional conditions relating to the Implementation Scheme and the sole use of the facility by Brentwood Borough Council be enforced.

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

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

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

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

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

### **237. Response to Highways England M25 Junction 28 Improvement Scheme Consultation**

Highways England are consulting on proposals for improvements to Junction 28 of the M25 (Brook Street roundabout, Brentwood). Proposals relate to anti-clockwise traffic connecting with the A12 eastbound towards Chelmsford/Colchester/Ipswich. Views are being sought on three potential options.

In response to the consultation, a proposed response was set out with this report (see Appendix A). As a major national infrastructure project with implications for the Borough, it is important that the Council respond and further consider issues through the Local Development Plan and Duty to Cooperate processes.

After a full discussion, a request from members for some additional wording be added to the response, this was noted by the officer.

Cllr McCheyne **MOVED** and Cllr Mrs Murphy **SECONDED** the recommendation set out in the report, a vote was taken by a show of hands.

#### **RESOLVED UNANIMOUSLY**

1. To approve the response to the Highways England M25 Junction 28 improvement scheme consultation as set out in Appendix A.

#### **Reasons for Recommendation**

Brentwood Borough Council's proposed response to the consultation is set out at Appendix A. The response broadly supports the need for improvements to M25 Junction 28.

The response supports the schemes intention to take M25 traffic travelling anti-clockwise onto the A12 eastbound carriageway, thereby relieving Brook Street roundabout somewhat and creating capacity. However, concerns are highlighted that queuing traffic originating from Brook Street A1023 backing up onto the

roundabout and then the A12 and M25, does not appear to be addressed directly as part of these proposals.

The response emphasises the importance of the scheme addressing the potential impacts on Green Belt. This area serves as an important separation between the edge of the Brentwood urban area and Greater London, specifically Harold Park at the edge of the London Borough of Havering. The level of growth being planned in the emerging Brentwood Local Plan is also raised, which is likely to have an impact on Junction 28. Highways England has been encouraged to take into account the emerging highways modelling evidence being produced to support the Local Plan, as well as evidence from other plans being prepared by local authorities in the wider area.

*(For clarity an amended response is appended to these minutes).*

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

### **238. Response to Epping Forest Draft Local Plan**

This report seeks Members approval on a formal response to Epping Forest District Council's Draft Local Plan consultation (October 2016). An early response was submitted to comply with the consultation deadline, subject to the approval of the Council's Planning and Licensing Committee.

The Council's response sets out general support for the Epping Forest Draft Local Plan's strategic objectives and vision, with some concern expressed over the longer term allocation of housing sites within the sub-regional housing market area.

Both Council's have a "duty to cooperate" on strategic priorities, such as planning issues that cross administrative boundaries. These priorities include housing and Gypsy, Traveller and Showpeople site allocation, conservation of the natural environment and Green infrastructure. Work is ongoing between the two Councils to continue development of their respective Local Plans.

After a brief discussion, Cllr McCheyne **MOVED** and Cllr Ms Rowlands **SECONDED** the recommendation in the report, a vote was taken by a show of hands.

#### **RESOLVED UNANIMOUSLY**

1.1 To approve the response to the Epping Forest Draft Local (October 2016), as set out in Appendix A.

#### **Reasons for Recommendation**



It is not considered necessary to object to the Epping Forest District Draft Local Plan consultation on the basis of likely minimal impacts for Brentwood Borough. However, the four districts (Epping Forest, East Herts, Harlow and Uttlesford) within this housing market area have not finalised their agreement for meeting local housing need the target, with a Memorandum of Understanding still in draft form. There is a risk of a greater number of homes being required within Epping Forest District. Brentwood Borough Council should therefore take a precautionary approach under the duty to cooperate.

Specific mention is made to the way in which development is planned around Chipping Ongar and High Ongar, so as to minimise potential impacts on the north of Brentwood Borough and to ensure the benefits of new development are shared across the wider area and local communities.

It is considered appropriate that Brentwood Borough Council express general support for the way in which the Epping Forest Draft Local Plan looks to move forward with challenging development needs, and commit to continued collaboration through the duty to cooperate on strategic issues that affect our two areas.

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

### **239. Brentwood Monitoring Report: Housing Delivery & Five Year Housing Supply**

The Council regularly monitors how planning policies are being implemented in regards to the decision-taking process, as well as progress on the plan-making process for preparation of documents set out in the Local Development Scheme.

As agreed at Planning and Licensing Committee on 1 December 2015, as soon as monitoring data becomes available the information is collated for publication into a series of monitoring updates, each reporting on different monitoring issues, which together form the Council's Authority Monitoring Reports (AMR). For clarity these have been branded "Brentwood Monitoring Reports" to be consistent with the emerging Brentwood Local Development Plan (LDP) and other supporting documents.

Two monitoring updates have been prepared for publication, the first of which contains information relating to housing delivery (for the period 1 April 2015 to 31 March 2016), and the second provides an update on five year housing land supply (as at 1 April 2016 to 31 March 2021).

The Officer informed the committee of an additional table that will be added to Appendix A relating to the annual number of planning permissions granted for new

homes compared with completions, and that Table 6 in Appendix A is to be amended to include data on permitted Gypsy and Traveller pitches as at November 2016. The Officer also proposed an amendment to the recommendation to state:

“To approve publication of the following Brentwood Monitoring Reports and publish on the Council’s Website”.

This was agreed by the Chair.

Cllr Hubbard **MOVED** that the recommendations are voted on separately, this was agreed by the Chair.

Cllr McCheyne **MOVED** and Cllr Bridge **SECONDED** recommendation 1(a) of the report.

1. **To approve publication of the following Brentwood Monitoring Report and publish on the Council’s Website:**
  - a) **Housing Delivery 2015/16, as set out in Appendix A**

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

Cllr McCheyne **MOVED** and Cllr Bridge **SECONDED** recommendation 1(b) of the report.

1. **To approve publication of the following Brentwood Monitoring Report and publish on the Council’s Website:**
  - b) **Five Year Housing Supply 2016-2021, as set out in Appendix B**

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

#### **Reason for Recommendation**

It is important that the Council publishes monitoring information in order to share performance and achievements with the local community as information becomes available. It also meets the monitoring requirements set out in the NPPF and Town and Country Planning Regulations 2012, as amended by the Localism Act 2011.

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

*(Cllr Morrissey declared a non-pecuniary interest under the Council’s Code of Conduct by virtue of her working for an on-line Estate Agent).*

**240. Urgent Business**

The Chair reminded all members of the Planning Training taking place on Tuesday 20<sup>th</sup> December 2016 at 6.00pm in the Council Chamber.

The meeting ended at 20:04

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**24 January 2017**

**Planning and Licensing Committee**

**Setting of Licence Fees for 2017/18**

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

**Wards Affected:** *All*

**This report is:** *Public*

## **1. Executive Summary**

- 1.1 This report is to agree fees and charges associated with licence applications for the 2017/18 period, for recommendation to Council for setting.

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

- 2.1 **To recommend to Council the adoption of the licence fees as detailed in Appendix A.**

## **3. Introduction and Background**

- 3.1 Most licence applications attract a fee, different licensing regimes have different ways in which the fees are set, which generally is by one of three ways.
- A statutory set fee.
  - A locally set reasonable fee that has by statute, a capped maximum amount.
  - A locally set reasonable fee with no maximum cap.
- 3.2 With the exception of the statutory set fees, any fee charged must be based on cost recovery, no profit can be made on the licence fee income.
- 3.3 Fees that are set by statute, cannot be varied and must be charged as they are set within the legislation, this relates to all licences under the Licensing Act 2003 (Alcohol and Entertainment) and some of the Gambling Act 2005 Fees.

- 3.4 Fees that can be set locally with a capped maximum must be set on a cost recovery basis up to the cap. If the cost recovery is less than the capped amount then less than the cap should be charged, if it is higher than the cap then a loss will need to be made. This relates to most fees under the Gambling Act 2005.
- 3.5 Fees that can be set locally without a cap, must be set on a cost recovery basis only, they cannot be used to generate an income to perform other functions of the Council. This relates to Taxis, Sex Establishments, Scrap Metal Dealers, Massage and Special Treatments, Street Trading and all Animal Welfare Licences.
- 3.6 Guidance does exist in relation to fee setting in the form of:
- Home Office Guidance on setting Scrap Metal Dealers Act 2013 Fees,
  - LGA Guidance on Locally Set Fees,
  - Welsh Technical Panel templates,
  - Case law.
- 3.7 Generally fees cannot make a profit, case law has established that any surplus must be carried forward, and any deficit can also be carried forward and recouped.
- 3.8 Benchmarking of fees could be used only as a comparison, and should not be used as a fee matching exercise. Each authority will have different costs, structures and processes which could create differences in fees.
- 3.9 Brentwood Council last set its local fees in 2016.

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

- 4.1 A Schedule of proposed fees for the 2017/18 period are attached as Appendix A.
- 4.2 It is intended that the fees will come into effect from 1 April 2017, subject to approval by Council.

## **Animal Welfare Licences**

- 4.3 Animal welfare licences for the purpose of this report applies to:
- Boarding Establishment Premises (Animal Boarding Establishments Act 1963)
  - Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
  - Dog Breeding Establishments (Breeding of Dogs Act 1973)
  - Pet Shops (Pet Animal Act 1951)
  - Riding Establishments (Riding Establishments Act 1964)
  - Zoos (Zoo Licensing Act 1981)
- 4.4 In addition to the fee the applicant will also continue to be invoiced for the fee charged to Brentwood Council for the Vet inspection of the premises. The Vet fee will vary from premises to premises.
- 4.5 There is no proposal to change the fee charged for 2017/18

## **Hackney Carriage and Private Hire**

### **Private Hire Operators Licences**

- 4.6 There is a small deficit on this area of licensing, however it is proposed not to increase the fee at this stage as the deficit is predicted to reduce from 17/18. The situation will be monitored and will be reviewed at the end of this year once changes to the Licensing Team structure and process have imbedded.
- 4.7 If this fee is to be varied then the statutory consultation process would need to be followed.

### **Vehicle/Proprietors Licences**

- 4.8 Vehicle licensing is in deficit from previous years, which will be carried forward into next year. Current predictions based on keeping the fee at the same level will reduce the deficit in the next 3 years. The situation will be monitored and will be reviewed at the end of this year once changes to the Licensing Team structure and process have imbedded.
- 4.9 If this fee is to be varied then the statutory consultation process would need to be followed.

### **Hackney Carriage and Private Hire Drivers Licences**

- 4.10 All Hackney Carriage or Private Hire Drivers Licences are currently granted for 3 years, unless there is a good reason not to do so.
- 4.11 Currently the cost of the DBS check is charged in addition to the fee. This fee will rise to £52 from £44 to reflect the current cost incurred of this check.
- 4.12 A DVLA Licence check will be carried out annually, the cost of this is now included in the cost of the licence application.

- 4.13 A DVLA Group 2 Medical is required every three years unless age or medical conditions require otherwise, the cost of the medical is met by the applicant and is not included in this fee.
- 4.14 The application fee for new applicants is to include up to 4 attempts to pass the Knowledge Test, further attempts will be subject to an additional fee as provided in Appendix A.
- 4.15 A deficit was incurred for drivers licences from last year, which has been carried forward, resulting in a significant increase in the licence fee for this year.
- 4.16 It is proposed to increase the new licence fee to £505 from £300 and the renewal fee will rise to £435 from £240.
- 4.17 The situation will be monitored and will be reviewed at the end of this year once changes to the Licensing Team structure and process have imbedded.

#### **Sex Establishments**

- 4.18 Sex establishments for this purpose are to include Sex Shops, Sex Cinema's and Sexual Entertainment Venues.
- 4.19 There is no proposal to change the fee charged for 2017/18

#### **Licensing Act 2003**

- 4.20 These fees are currently set by legislation, although there is a proposal that these are to be set locally, a change to the legislation is not expected this year.

#### **Gambling Act 2005**

- 4.21 There is no proposal to change the fee charged for 2017/18.
- 4.22 The maxim fee is currently charged.

#### **Scrap Metal Dealers Act 2013**

- 4.23 It is proposed that a renewal fee is introduced which is lower than a new licence to reflect the difference in time taken to process the a renewal application.
- 4.24 There is no proposal to change the other fees charged for 2017/18.

#### **Table and Chair Licensing**

- 4.25 It is proposed to introduce an incremental fee to encourage smaller businesses to licence where our policy allows. The difference in fee reflects the different levels of work involved in processing the application, and the potential objection it would attract.

#### **Street Trading**

- 4.26 There is no proposal to change the fee charged for 2017/18



- 4.27 A review of the current provisions and extent of the scheme will take place this year and any variation to the fees charged will be reviewed at that time.

### **Special Treatments**

- 4.28 There is no proposal to change the fee charged for 2017/18

### **Road closures**

- 4.29 There is no proposal to change the fee charged for 2017/18

## **5. Reasons for Recommendation**

- 5.1 The fees and charges have to be agreed by Council and can not be set by this committee. The fees proposed are on a cost recovery basis where possible.

## **6. Consultation**

- 6.1 There is no consultation required under legislation relating to any of the discretionary fees outlined in this report that are subject to change. However these will be published on the Council's website and are in all cases open to challenge by way of Judicial Review should they be inappropriately set.

- 6.2 If changes to the Hackney carriage or Private Hire Vehicle fees, or the Private Hire Operator fees, are considered then public consultation must be carried out in accordance with the requirements contained within Section 65, Local Government (Miscellaneous Provisions) Act 1976.

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

- 7.1 None

## **8. Implications**

### **Financial Implications**

**Name & Title: Ramesh Prashar, Financial Services Manager**

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

- 8.1 The impact of the revised fees and charges will be incorporated within the 2017/18 Budget.

**Legal Implications**

**Name & Title:** Daniel Toohey, Monitoring Officer

**Tel & Email:** 01277 312860 /daniel.toohey@brentwood.gov.uk

- 8.2 There are no additional legal implications other than those already mentioned above and particularly in section 3.

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

None

- 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 - Proposed 17/18 Licensing Fees and Charges

**Report Author Contact Details:**

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

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2016-March 2017 Excl VAT	Inc VAT	April 2017-March 2018 Excl VAT	Inc VAT

**SERVICE AREA: LICENSING****CHARGING AREA: Licence Fees****Street Trading**

Independent Permanent Stall - Annual	O	S	350.00	350.00	350.00	350.00
Independent 'One Off Stalls'	O	S	85.00	85.00	85.00	85.00
Lighting Up Brentwood	O	S	30.00	30.00	30.00	30.00

**Scrap Metal**

Site Application - New	O	S	495.00	495.00	495.00	495.00
Collector Application - New	O	S	280.00	280.00	280.00	280.00
Variation	O	S	89.00	89.00	89.00	89.00
Site Renewal Application	O	S			445.00	445.00
Collector Renewal Application	O	S			230.00	230.00

**Skin Piercing**

Premises Registration	O	S	250.00	250.00	250.00	250.00
Practitioner Registration	O	S	89.00	89.00	89.00	89.00

**Animals**

Pet Shops - 1 year	O	S	250.00	250.00	250.00	250.00
Boarding Kennels - 1 year	O	S	250.00	250.00	250.00	250.00
Dog Breeders - 1 year	O	S	250.00	250.00	250.00	250.00
Riding Establishments - 1 year	O	S	250.00	250.00	250.00	250.00
Dangerous Wild Animals - 2 years	O	S	250.00	250.00	250.00	250.00
Zoo Premises New - 6 years	O	S	900.00	900.00	900.00	900.00
Zoo Premises Renewal - 4 years	O	S	550.00	550.00	550.00	550.00

**Sex Establishment Licensing**

Premises Application	O	S	2,255.00	2,255.00	2,255.00	2,255.00
Premises Renewal	O	S	1,537.50	1,537.50	1,537.50	1,537.50
Premises Variation	O	S	512.50	512.50	512.50	512.50

**Taxi****Vehicle Licence - Hackney Carriage**

Vehicle Licence - including Plate	O	S	243.00	243.00	243.00	243.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

**Vehicle Licence - Private Hire**

Vehicle Licence - including Plate	O	S	225.00	225.00	225.00	225.00
Vehicle Replacement	O	S	75.00	75.00	75.00	75.00

**Vehicle Inspections - Hackney Carriage and Private Hire**

Vehicle Inspection	O	S	47.00	47.00	47.00	47.00
Trailer Inspections - Non Braked	O	S	15.00	15.00	15.00	15.00
Trailer Inspections - Braked	O	S	23.00	23.00	23.00	23.00
Re-Inspection	O	S	12.50	12.50	12.50	12.50
Re-Inspection 2	O	S	47.00	47.00	47.00	47.00

**Drivers Licence - Hackney Carriage and Private Hire**

Combined Driver New - 3 years	O	S	300.00	300.00	505.00	505.00
Combined Driver Renewal - 3 years	O	S	240.00	240.00	435.00	435.00
Re-Test - Knowledge Test	O	S	35.00	35.00	35.00	35.00
Disclosure and Barring Service (DBS) Check	O	S	44.00	44.00	52.00	52.00
Driver and Vehicle Licensing Agency (DVLA) Check	O	S	5.00	5.00	5.00	5.00

**Replacements**

ID	O	S	6.00	6.00	6.00	6.00
PHV Cards	O	S	6.00	6.00	6.00	6.00
Tariff Cards	O	S	6.00	6.00	6.00	6.00
Replacement Plates	O	S	12.00	12.00	12.00	12.00
Replacement Door Signs (pair)	O	S	15.00	15.00	15.00	15.00
Plate Platforms (optional)	O	S	6.00	6.00	6.00	6.00

**Private Hire Operators**

Single Vehicle Operators Licence	O	S	325.00	325.00	325.00	325.00
Operator Licence - 2 to 5 Vehicles	O	S	1,085.00	1,085.00	1,085.00	1,085.00
Operator Licence - more than 5 Vehicles	O	S	1,345.00	1,345.00	1,345.00	1,345.00

**Pavement Permit**

New application Tables and Chairs	O	S	450.00	450.00		
Renewal Application	O	S	300.00	300.00		
New application Tables and Chairs 1-2 tables	O	S			250.00	250.00
New Application Tables and Chairs 3-6 tables	O	S			450.00	450.00
New Application Tables and Chairs over 6 tables.	O	S			650.00	650.00
Renewal application Tables and Chairs 1-2 tables	O	S			150.00	150.00
Renewal Application Tables and Chairs 3-6 tables	O	S			350.00	350.00
Renewal Application Tables and Chairs over 6 tables.	O	S			550.00	550.00

**Road Closure**

Application to close road with 0 - 499 people attending	O	S	200.00	200.00	200.00	200.00
Application to close road with 500 - 1999 people attending	O	S	360.00	360.00	360.00	360.00
Application to close road with 2000+ people attending	O	S	680.00	680.00	680.00	680.00

**24 January 2017**

## **Planning and Licensing Committee**

### **Planning and Building Control Fees and Charges Review**

**Report of:** *Caroline McCaffrey, Team Leader Development Management*

**Wards Affected:** *All*

**This report is:** *Public*

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

- 1.1 This report sets out the Council's Planning and Building Control non-statutory fees and charges. Planning fees are set by central government and building fees continue to be led by market conditions.
- 1.2 It is also proposed to review the planning pre-application charging schedule on a quarterly basis and make adjustments to those fees where appropriate, to reflect the quality of service and resources provided. Otherwise, building control fees and other non-statutory fees will be reviewed on an annual basis.
- 1.3 There are no proposed fee increases to either Building Control, Local Land Charges, or to photocopying charges.

#### **2. Recommendation**

- 2.1 That all Planning and Building Control non-statutory fees and charges, and Local Land Charges fees, are reviewed annually; and that Planning pre-application fees are reviewed quarterly; to be revised where appropriate as agreed by the Chief Executive and the Chair of Planning and Licensing Committee.**

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

- 3.1 Local authorities charge for the Planning and Building Control services they provide. Certain fees and charges such as planning application fees are set by Government and so cannot be changed at the local level. However, other fees and charges such as pre-planning application advice to developers is not a statutory function and so can be charged as it is the choice of the developer/applicant whether to utilise such services.

Consequently, fees for these non-statutory services can be set by the Council. However, the rates set need to be reasonable and broadly reflect the cost of providing the service.

- 3.2 The Council's Planning and Building Control non-statutory fees and charges were reviewed in March 2015. The Building Control fees were increased by 5% and Planning pre-application fees adjusted to reflect comparative services delivered by neighbouring Essex and London authorities, along with the cost and level of service provided.
- 3.3 Fees and charges for non-statutory services are currently considered to be at a level that addresses the level of resource required to provide the demands of the service. As the emerging Brentwood Local Development Plan moves closer towards submission and adoption it is anticipated that the requirement from the development industry to engage in complex pre-application discussions will increase placing additional resource requirements on the Council. It is therefore proposed charges for those elements of the service are reviewed on a regular basis in order to meet the costs of delivering an effective service without making charges prohibitive for applicants.
- 3.4 The principal regulations governing the Local Land Charges Register, maintenance, access and the charging of fees are set in the Local Land Charges Act of 1975 and Rules of 1977. Fees and charges should normally be set to recover the full cost of the service, which should usually be the total cost of all resources used in providing the service. This includes direct and indirect costs, including a full proportional share of overhead costs, distribution costs, insurance, depreciation and costs of capital.

#### **4. Existing Planning, Building Control and Local Land Charges Fees and Charges**

- 4.1 The Borough's current fees and charges are set out on the Council's website so that those preparing a planning application or undertaking a Local Land Charges search are informed of rates in advance. Appendix A of this report sets out the fees and charges for Building Control, planning applications, pre-application advice, and Local Land Charges.

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

- 5.1 Ongoing budget constraints facing the public sector continue to be a factor in Council services seeking to generate income wherever possible to contribute to the provision of high quality services to residents and businesses. At this juncture it is not considered that an increase to non-

statutory fees and charges is required, but this should continue to be reviewed on a regular basis and adjusted to reflect both the level of demand from the development industry and the Council's resources to provide a high standard of service. It is therefore proposed that all Planning and Building Control non-statutory fee income continues to be ring-fenced to the Planning and Development service area in order to justify charges and reassure applicants that the service they are paying for will be delivered.

- 5.2 Local Land Charge fees, having regard to the 1975 Act, are considered to be at a level that addresses the level of resource required to provide the demands of the service at cost. HMRC have confirmed that VAT at 20% is to be imposed on the CON29 element of the search from 1 January 2017 and the fees reflect this. The fees have been reviewed in order to ensure that a cost recovery service is maintained and will be reviewed in line with any future legislative changes.

## **6. Consultation**

- 6.1 Discussions with staff, planning agents and the managed service provider for Development Management have assisted in the preparation of this report.

## **7. References to Vision for Brentwood 2016-19**

- 7.1 Proposals in this report support a range of themes in the Council's corporate plan Vision for Brentwood 2016-19. These include providing services that deliver sustainable development, and supporting the Transformation agenda to ensure modern and efficient service delivery whilst considering resources and income generation.

## **8. Implications**

### **Financial Implications**

**Name/Title: Ramesh Prashar, Financial Services Manager**

**Tel/Email: 01277 312513 / ramesh.prashar@brentwood.gov.uk**

- 8.1 Approving fees and charges for Council departments is an essential part of setting the budget for 2017/18. Although no substantive increases are deemed appropriate at present, the recommendation is to ensure regular review is undertaken to accurately reflect a balance between income generation and resource management. This is informed by market demand and so income cannot be guaranteed due to reliance on the development industry coming forward with proposals and agreeing to pay non-statutory fees and charges proposed. However, maintaining a quality

service that is competitively priced will ensure a significant contribution is made towards the Council's budget deficit.

**Legal Implications**

**Name/Titles: Daniel Toohey, Head of Legal Services and Monitoring Officer**

**Tel/Email: 01277 312860 / daniel.toohey@brentwood.gov.uk**

8.2 The Local Government Act 1999 provides that the Council is under a general duty to "make arrangements to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness" Statutory Guidance, revised in March 2015, emphasises that authorities should engage service users and the wider community in consultation on options for the future and reshaping of the service.

8.3 Charges for discretionary services such as pre-application advice and planning performance agreements are, in principle, allowed by the Local Government Act 2003.

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

8.3 No other implications are identified.

9. **Background Papers**

9.1 None

10. **Appendices to this report**

- Appendix A - Proposed 17/18 Planning and Building Control Fees and Charges

**Report Author Contact Details:**

**Name:** Caroline McCaffrey, Development Management Team Leader

**Telephone:** 01277 312603

**E-mail:** caroline.mccaffrey@brentwood.gov.uk



**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT
<b>SERVICE AREA: PLANNING DEVELOPMENT MANAGEMENT</b>						
<b>CHARGING AREA: Planning Application Fees</b>						
<b>All Outline Applications</b>						
Up to 2.5 hectare, per 0.1 hectare	O	S	385	385	385	385
More than 2.5 hectares	O	S	9,527	9,527	9,527	9,527
Each 0.1 hectare in excess of 2.5 hectares to a maximum of £125,000	O	S	115	115	115	115
<b>Householder Applications</b>						
Alterations/extensions to a single dwelling	O	S	172	172	172	172
<b>Full Applications</b>						
Alterations/extensions two or more dwellings	O	S	339	339	339	339
New Dwellings (up to 50) per dwelling	O	S	385	385	385	385
New Dwellings more than 50	O	S	19,049	19,049	19,049	19,049
Each dwelling in excess of 50 to a maximum of £250,000	O	S	115	115	115	115
<b>Erection of buildings (not dwellings, agricultural, glasshouses, plant nor machinery)</b>						
Gross Floor up to 40sq m	O	S	195	195	195	195
Gross Floor 40 sq m to 75 sq m	O	S	385	385	385	385
Gross Floor 75sq m to 3750 sq m each 75 sq m or part thereof	O	S	385	385	385	385
Gross Floor more than 3750 sq m	O	S	19,049	19,049	19,049	19,049
Each additional 75 sq m in excess of 3750 sq m to a maximum of £250,000	O	S	115	115	115	115
<b>Erection of building (on land used for agriculture for agricultural purposes)</b>						
Gross Floor Space up to 465 sq m	O	S	80	80	80	80
Gross Floor 465 sq m to 540 sq m	O	S	385	385	385	385
Gross Floor 540 sq m to 4215 sq m each 75 sq m in excess of 540 sq m	O	S	385	385	385	385
Gross Floor more than 4215 sq m	O	S	19,049	19,049	19,049	19,049
Each additional 75 sq m in excess of 4215 sq m to a maximum of £250,000	O	S	115	115	115	115
<b>Erection of glasshouses</b>						
Gross Floor no more than 465 sq m	O	S	80	80	80	80
Gross Floor more than 465 sq m	O	S	2,150	2,150	2,150	2,150
<b>Erection/Alterations/Replacement of Plant and Machinery</b>						
Site Area not more than 5 hectares - per 0.1 hectare or part thereof	O	S	385	385	385	385
Site Area more than 5 hectares	O	S	19,049	19,049	19,049	19,049
Each additional 0.1 hectare in excess of 5 hectares up to a maximum of £250,000	O	S	115	115	115	115
<b>Applications other than Building Works</b>						
Car parks, Service Roads or other accesses	O	S	195	195	195	195
<b>Waste (Use of land for disposal of refuse or waste materials or deposit of amterial remaining after extraction or storage minerals)</b>						
Site Area no more than 15 hectares per 0.1 hectare	O	S	195	195	195	195
Site Area more than 15 hectares	O	S	29,112	29,112	29,112	29,112
Each 0.1 hectare in excess of 15 hectares up to a maximum of £65,000	O	S	115	115	115	115
<b>Operations connected with exploratory drilling for oil or natural gas</b>						
Site area not more than 7.5 hectares each 0.1 hectare	O	S	423	423	423	423
Site area more than 7.5 hectares	O	S	31,725	31,725	31,725	31,725
Each 0.1 hectare in excess of 7.5 hectares up to a maximum of £250,000	O	S	126	126	126	126
<b>Operations (other than exploratory drilling) for the winning and working of oil or natural gas</b>						
Site area not more than 15 hectares each 0.1 hectares	O	S	214	214	214	214
Site area more than 15 hectares	O	S	32,100	32,100	32,100	32,100
Each 0.1 hectare in excess of 15 hectares up to a maximum of £65,000	O	S	126	126	126	126
<b>Operations (winning and working of minerals) excluding oil or natural gas</b>						
Site area not more than 15 hectares each 0.1 hectares	O	S	195	195	195	195
Site area more than 15 hectares	O	S	29,112	29,112	29,112	29,112
Each 0.1 hectare in excess of 15 hectares up to a maximum of £65,000	O	S	115	115	115	115
<b>Other operations (not coming within any of the above categories)</b>						
Any site area per 0.1 hectares up to a maximum of £1690	O	S	195	195	195	195
<b>Lawful Development Certificate</b>						
Existing Use or operation	O	S	Same As Full	Same As Full	Same As Full	Same As Full
Existing use or operation - lawful not to comply with any condition or limitation	O	S	195	195	195	195
Proposed use or operation	O	S	Half normal planning fee	Half normal planning fee	Half normal planning fee	Half normal planning fee

For further clarification on the planning fee's please refer to the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

Key to VAT  
S - Standard Rate - 20%  
Z - Zero Rate - 0%  
E - Exempt from VAT  
O - Outside the scope of VAT

Key to Fee  
S - Statutory  
D - Discretionary

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: PLANNING DEVELOPMENT MANAGEMENT**

**CHARGING AREA: Planning Application Fees**

**Prior Approval**

Agricultural and Forestry buildings & operations or demolition of buildings	O	S	80	80	80	80
Telecommunications Code Systems Operators	O	S	385	385	385	385
Proposed Change of Use to State Funded School or Registered Nursery	O	S	80	80	80	80
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	O	S	80	80	80	80
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	O	S	80	80	80	80
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	O	S	80	80	80	80
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	O	S	80	80	80	80
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	O	S	172	172	172	172
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are no Associated Building Operations	O	S	80	80	80	80
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	O	S	172	172	172	172
Notification for a Prior Approval for a Change of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to dwellinghouses (Class C3)	O	S	80	80	80	80
Notification for prior Approval for Change of Use from Amusements Arcades/Centres and Casinos (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	O	S	80	80	80	80
Notification for prior Approval for Change of Use from Amusements Arcades/Centres and Casinos (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3) and Associated Building Operations	O	S	172	172	172	172
Notification for Prior Approval for a Change of Use from Shops (Class A1) Financial and Professional Services (Class A2) Betting Offices and Payday Loan Shops and Casinos (Sui Generis Uses) to restaurants and cafes (Class A3)	O	S	80	80	80	80
Notification for Prior Approval for a Change of Use from Shops (Class A1) Financial and Professional Services (Class A2) Betting Offices and Payday Loan Shops and Casinos (Sui Generis Uses) to restaurants and cafes (Class A3) and Associated Building Operations	O	S	172	172	172	172
Notification for Prior Approval for a Change of Use from Shops (Class A1) Financial and Professional Services (Class A2) Betting Offices and Payday Loan Shops and Casinos (Sui Generis Uses) to restaurants and cafes (Class A3) to Assembly and Leisure Use (Class D2)	O	S	80	80	80	80

**Reserved Matters**

Application for approval of reserved matters following outline approval	O	S	Full Fee due or if paid £385	Full Fee due or if paid £385	Full Fee due or if paid £385	Full Fee due or if paid £385
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**Approval/Variation/Discharge of condition**

Application for removal or variation of a condition following grant of planning permission	O	S	195	195	195	195
Request for confirmation that one or more planning conditions have been complied with - Householder	O	S	28	28	28	28
Request for confirmation that one or more planning conditions have been complied with - Other	O	S	97	97	97	97

**Change of Use of a building to use as one or more separate dwellings houses or other cases**

Not more than 50 dwellings - each dwelling	O	S	385	385	385	385
More than 50 dwellings	O	S	19,049	19,049	19,049	19,049
Each dwelling in excess of 50 up to a maximum of £250,000	O	S	115	115	115	115
Other Changes of use of a building or land	O	S	385	385	385	385

**Advertising**

Relating to the business on the premises	O	S	110	110	110	110
Advance signs which are not situated on or visible from the site, directing the public to a business	O	S	110	110	110	110
Other advertisements	O	S	385	385	385	385

**Application for a New Planning Permission to replace an Extant Planning Permission**

Applications in respect of major developments	O	S	575	575	575	575
Applications in respect of householder developments	O	S	57	57	57	57
Applications in respect of other developments	O	S	195	195	195	195

**Application for a Non-material Amendment following a grant of Planning Permission**

Applications in respect of householder development	O	S	28	28	28	28
Applications in respect of other developments	O	S	195	195	195	195

For further clarification on the planning fee's please refer to the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012

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**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: PLANNING DEVELOPMENT MANAGEMENT**

**CHARGING AREA: Pre-Application Advice**

Pre-Application Advice

Householder - written response only	S	D	66.66	80.00	66.66	80.00
Band A - Brentwood businesses, non residents of Brentwood - written response only	S	D	83.33	100.00	83.33	100.00
Band B - Development of 10 dwellings or fewer or non-residential development of less than 1000 sq m	S	D	416.66	500.00	416.66	500.00
Band C - Developments in excess of ten dwellings or 1000 sq m of non-residential development	S	D	1,250.00	1,500.00	1,250.00	1,500.00
Band D - Larger or more complex than Band B or C	S	D		negotiable		negotiable

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 O - Outside the scope of VAT

Key to Fee  
 S - Statutory  
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**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES		CHARGES	
			April 2016-March 2017 Excl VAT	Inc VAT	April 2017-March 2018 Excl VAT	Inc VAT

**SERVICE AREA: PLANNING POLICY**

**CHARGING AREA: Design Panel Review**

Design Panel Review

Panel review session, tailored to reflect the proposal	S	D	negotiable	negotiable
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**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: LAND CHARGES**

**CHARGING AREA: Land Charges**

\* Note - Change to standard rated VAT on some of the elements. Implementation date 1st January 2017.

**Search Fees**

LLC1	O	S	20.00	20.00	20.00	20.00
CON 29R	S*	S	81.65	97.98	81.65	97.98
CON 29R including LLC1	S/O*	S	101.65	117.98	101.65	117.98
CON 290 optional enquiries, except Q22	S*	S	11.75	14.10	11.75	14.10
CON 290 optional enquiries, Q22 only	S*	S	14.00#	16.80#	14.00#	16.80#
Any other additional enquiries	O	S	28.75	28.75	28.75	28.75
Additional parcels of Land	S*	S	35.80	42.96	35.80	42.96

# In relation to CON 290, Q.22 only, additional parcels of land are proced at £1 per parcel, subject to maximum of 6 parcels of land, there being a £20 maximum fee payable in this regard

**Copy Documents**

Tree Preservation Order	O	S	16.90	16.90	16.90	16.90
Planning Decision Notice	O	S	14.98	14.98	14.98	14.98
S106 etc	O	S	33.80	33.80	33.80	33.80
Enforcement notice	O	S	16.90	16.90	16.90	16.90

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: BUILDING CONTROL**

**CHARGING AREA: NEW DWELLINGS NOT EXCEEDING 300m2**

<b>HO1</b>							
Houses Bungalows less than 4 storeys 1 plot Plan and Inspection	S	S	587.98	705.57	587.98	705.57	
Houses Bungalows less than 4 storeys 1 plot Building Notice	S	S	646.78	776.13	646.78	776.13	
Houses Bungalows less than 4 storeys 1 plot Regularisation	O	S	892.55	892.55	892.55	892.55	
<b>HO2</b>							
Houses Bungalows less than 4 storeys 2 plot Plan and Inspection	S	S	830.56	996.67	830.56	996.67	
Houses Bungalows less than 4 storeys 2 plot Building Notice	S	S	913.62	1,096.34	913.62	1,096.34	
Houses Bungalows less than 4 storeys 2 plot Regularisation	O	S	1,260.79	1,260.79	1,260.79	1,260.79	
<b>HO3</b>							
Houses Bungalows less than 4 storeys 3 plot Plan and Inspection	S	S	1,162.57	1,395.08	1,162.57	1,395.08	
Houses Bungalows less than 4 storeys 3 plot Building Notice	S	S	1,278.83	1,534.59	1,278.83	1,534.59	
Houses Bungalows less than 4 storeys 3 plot Regularisation	O	S	1,764.78	1,764.78	1,764.78	1,764.78	
<b>HO4</b>							
Houses Bungalows less than 4 storeys 4 plot Plan and Inspection	S	S	1,357.49	1,628.99	1,357.49	1,628.99	
Houses Bungalows less than 4 storeys 4 plot Building Notice	S	S	1,493.24	1,791.89	1,493.24	1,791.89	
Houses Bungalows less than 4 storeys 4 plot Regularisation	O	S	2,060.67	2,060.67	2,060.67	2,060.67	
<b>HO5</b>							
Houses Bungalows less than 4 storeys 5 plot Plan and Inspection	S	S	1,611.32	1,933.58	1,611.32	1,933.58	
Houses Bungalows less than 4 storeys 5 plot Building Notice	S	S	1,772.45	2,126.94	1,772.45	2,126.94	
Houses Bungalows less than 4 storeys 5 plot Regularisation	O	S	2,445.98	2,445.98	2,445.98	2,445.98	
<b>FO1</b>							
Houses Bungalows less than 4 storeys 1 flat Plan and Inspection	S	S	532.29	638.74	532.29	638.74	
Houses Bungalows less than 4 storeys 1 flat Building Notice	S	S	585.52	702.62	585.52	702.62	
Houses Bungalows less than 4 storeys 1 flat Regularisation	O	S	808.01	808.01	808.01	808.01	
<b>FO2</b>							
Houses Bungalows less than 4 storeys 2 flat Plan and Inspection	S	S	756.66	907.99	756.66	907.99	
Houses Bungalows less than 4 storeys 2 flat Building Notice	S	S	832.33	998.79	832.33	998.79	
Houses Bungalows less than 4 storeys 2 flat Regularisation	O	S	1,148.61	1,148.61	1,148.61	1,148.61	
<b>FO3</b>							
Houses Bungalows less than 4 storeys 3 flat Plan and Inspection	S	S	946.76	1,136.12	946.76	1,136.12	
Houses Bungalows less than 4 storeys 3 flat Building Notice	S	S	1,041.44	1,249.73	1,041.44	1,249.73	
Houses Bungalows less than 4 storeys 3 flat Regularisation	O	S	1,437.19	1,437.19	1,437.19	1,437.19	
<b>FO4</b>							
Houses Bungalows less than 4 storeys 4 flat Plan and Inspection	S	S	1,207.37	1,448.85	1,207.37	1,448.85	
Houses Bungalows less than 4 storeys 4 flat Building Notice	S	S	1,328.11	1,593.73	1,328.11	1,593.73	
Houses Bungalows less than 4 storeys 4 flat Regularisation	O	S	1,832.79	1,832.79	1,832.79	1,832.79	
<b>FO5</b>							
Houses Bungalows less than 4 storeys 5 flat Plan and Inspection	S	S	1,409.44	1,691.32	1,409.44	1,691.32	
Houses Bungalows less than 4 storeys 5 flat Building Notice	S	S	1,550.38	1,860.46	1,550.38	1,860.46	
Houses Bungalows less than 4 storeys 5 flat Regularisation	O	S	2,139.52	2,139.52	2,139.52	2,139.52	
<b>CV01</b>							
Conversion to a Single Dwelling House Plan and Inspection	S	S	650.63	780.76	650.63	780.76	
Conversion to a Single Dwelling House Building Notice	S	S	715.70	858.83	715.70	858.83	
Conversion to a Single Dwelling House Regularisation	O	S	987.66	987.66	987.66	987.66	
<b>CV02</b>							
Conversion to a Single Flat Plan and Inspection	S	S	586.91	704.29	586.91	704.29	
Conversion to a Single Flat Building Notice	S	S	645.60	817.37	645.60	817.37	
Conversion to a Single Flat Regularisation	O	S	939.97	939.97	939.97	939.97	
<b>ED</b>							
Notifiable Electrical Work where a satisfactory certificate will not be issued by a Part P registered electrician.	S	S	315.00	378.00	315.00	378.00	

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: BUILDING CONTROL**

**CHARGING AREA: WORK TO A SINGLE DWELLING (NOT MORE THAN 3 STOREYS HIGH ABOVE GROUND LEVEL)**

<b>DW00</b>						
Single Storey extension not exceeding 10 sq m Plan and Inspection Charge	S	S	267.75	321.30	267.75	321.30
Single Storey extension not exceeding 10 sq m Building Notice	S	S	294.53	353.43	294.53	353.43
Single Storey extension not exceeding 10 sq m Regularisation Charge	O	S	406.44	406.44	406.44	406.44
<b>DW01</b>						
Single Storey extension not exceeding 40 sq m Plan and Inspection Charge	S	S	505.87	607.04	505.87	607.04
Single Storey extension not exceeding 40 sq m Building Notice	S	S	556.46	667.75	556.46	667.75
Single Storey extension not exceeding 40 sq m Regularisation Charge	O	S	767.91	767.91	767.91	767.91
<b>DW02</b>						
Single Storey extension not exceeding 100 sq m Plan and Inspection Charge	S	S	631.89	758.27	631.89	758.27
Single Storey extension not exceeding 100 sq m Building Notice	S	S	695.08	834.09	695.08	834.09
Single Storey extension not exceeding 100 sq m Regularisation Charge	O	S	959.21	959.21	959.21	959.21
<b>DW03</b>						
Extension with some part 2 or 3 storeys in height and total floor not exceeding 40 sq m Plan and Inspection Charge	S	S	589.05	706.86	589.05	706.86
Extension with some part 2 or 3 storeys in height and total floor not exceeding 40 sq m Building Notice	S	S	647.96	777.55	647.96	777.55
Extension with some part 2 or 3 storeys in height and total floor not exceeding 40 sq m Regularisation Charge	O	S	894.18	894.18	894.18	894.18
<b>DW04</b>						
Extension with some part 2 or 3 storeys in height and total floor not exceeding 100 sq m Plan and Inspection Charge	S	S	655.45	786.54	655.45	786.54
Extension with some part 2 or 3 storeys in height and total floor not exceeding 100 sq m Building Notice	S	S	721.00	865.20	721.00	865.20
Extension with some part 2 or 3 storeys in height and total floor not exceeding 100 sq m Regularisation Charge	O	S	994.98	994.98	994.98	994.98
<b>DW05</b>						
Erection of non-exempt domestic extension comprising of garage, carport or store not exceeding 100 sq m Plan and Inspection Charge	S	S	322.37	386.85	322.37	386.85
Erection of non-exempt domestic extension comprising of garage, carport or store not exceeding 100 sq m Building Notice	S	S	354.61	425.53	354.61	425.53
Erection of non-exempt domestic extension comprising of garage, carport or store not exceeding 100 sq m Regularisation Charge	O	S	489.36	489.36	489.36	489.36
<b>DW06</b>						
Erection of non-exempt detached non-habital domestic building not exceeding 100 sq m Plan and Inspection Charge	S	S	414.48	497.37	414.48	497.37
Erection of non-exempt detached non-habital domestic building not exceeding 100 sq m Building Notice	S	S	455.92	547.11	455.92	547.11
Erection of non-exempt detached non-habital domestic building not exceeding 100 sq m Regularisation Charge	O	S	629.18	629.18	629.18	629.18
<b>DW07</b>						
First Floor & Second Floor loft conversion Plan and Inspection Charge	S	S	486.77	584.12	486.77	584.12
First Floor & Second Floor loft conversion Building Notice	S	S	535.45	642.54	535.45	642.54
First Floor & Second Floor loft conversion Regularisation Charge	O	S	738.92	738.92	738.92	738.92
<b>DW08</b>						
Other Works Plan and Inspection Charge	S	S	289.17	347.00	289.17	347.00
Other Works Building Notice	S	S	318.09	381.70	318.09	381.70
Other Works Regularisation Charge	O	S	438.96	438.96	438.96	438.96
<b>DW09</b>						
Re-roofing, installation of solar panels or photovoltaic cells Plan and Inspection Charge	S	S	176.72	212.06	176.72	212.06
Re-roofing, installation of solar panels or photovoltaic cells Building Notice	S	S	194.39	233.26	194.39	233.26
Re-roofing, installation of solar panels or photovoltaic cells Regularisation Charge	O	S	268.25	268.25	268.25	268.25
<b>DW10</b>						
Replacement of windows, roof lights, roof windows or external glazed doors Plan and Inspection Charge	S	S	158.51	190.21	158.51	190.21
Replacement of windows, roof lights, roof windows or external glazed doors Building Notice	S	S	174.36	209.23	174.36	209.23
Replacement of windows, roof lights, roof windows or external glazed doors Regularisation Charge	O	S	240.62	240.62	240.62	240.62
<b>DW11</b>						
Cost of work not exceeding £5,000 Plan and Inspection Charge	S	S	211.52	253.83	211.52	253.83
Cost of work not exceeding £5,000 Building Notice	S	S	232.67	279.21	232.67	279.21
Cost of work not exceeding £5,000 Regularisation Charge	O	S	321.09	321.09	321.09	321.09
<b>DW12</b>						
Cost of work exceeding £5,000 but not exceeding £25,000 Plan and Inspection Charge	S	S	410.55	492.66	410.55	492.66
Cost of work exceeding £5,000 but not exceeding £25,000 Building Notice	S	S	451.61	541.93	451.61	541.93
Cost of work exceeding £5,000 but not exceeding £25,000 Regularisation Charge	O	S	623.21	623.21	623.21	623.21
<b>DW13</b>						
Cost of work exceeding £25,000 but not exceeding £100,000 Plan and Inspection Charge	S	S	678.30	813.96	678.30	813.96
Cost of work exceeding £25,000 but not exceeding £100,000 Building Notice	S	S	746.13	895.36	746.13	895.36
Cost of work exceeding £25,000 but not exceeding £100,000 Regularisation Charge	O	S	1,029.66	1,029.66	1,029.66	1,029.66
<b>ED</b>						
Notifiable electrical work where a satisfactory certificate will not be issued by a Part P registered electrician	S	S	315.00	378.00	315.00	378.00

**PLANNING AND LICENSING  
FEES & CHARGES SCHEDULE FROM 1 APRIL 2017**

DESCRIPTION OF CHARGE	VAT	FEE	CHARGES April 2016-March 2017		CHARGES April 2017-March 2018	
			Excl VAT	Inc VAT	Excl VAT	Inc VAT

**SERVICE AREA: BUILDING CONTROL**

**CHARGING AREA: ALL OTHER NON-DOMESTIC WORK (NOT MORE THAN 3 STOREYS ABOVE GROUND LEVEL)**

**Extensions and New Builds**

<b>ND01</b>						
Single Storey extension not exceeding 40 sq m Plan and Inspection Charge	S	S	499.80	599.76	499.80	599.76
Single Storey extension not exceeding 40 sq m Regularisation Charge	O	S	767.55	767.55	767.55	767.55

<b>ND02</b>						
Single Storey extension not exceeding 100 sq m Plan and Inspection Charge	S	S	571.20	685.44	571.20	685.44
Single Storey extension not exceeding 100 sq m Regularisation Charge	O	S	865.73	865.73	865.73	865.73

<b>ND03</b>						
Extension with some part 2 or 3 storeys in height and total floor not exceeding 40 sq m Plan and Inspection Charge	S	S	624.75	749.70	624.75	749.70
Extension with some part 2 or 3 storeys in height and total floor not exceeding 40 sq m Regularisation Charge	O	S	946.05	946.05	946.05	946.05

<b>ND04</b>						
Extension with some part 2 or 3 storeys in height and total floor not exceeding 100 sq m Plan and Inspection Charge	S	S	678.30	813.96	678.30	813.96
Extension with some part 2 or 3 storeys in height and total floor not exceeding 100 sq m Regularisation Charge	O	S	1,026.38	1,026.38	1,026.38	1,026.38

**Alterations**

<b>ND05</b>						
Cost of work not exceeding £5,000 Plan and Inspection Charge	S	S	267.75	321.30	267.75	321.30
Cost of work exceeding £5,000 but not exceeding £25,000 Regularisation Charge	O	S	401.63	401.63	401.63	401.63
Replacement of windows, roof lights, roof windows or external glazed doors Plan and Inspection Charge	S	S	232.05	278.46	232.05	278.46
Replacement of windows, roof lights, roof windows or external glazed doors Regularisation Charge	O	S	339.15	339.15	339.15	339.15
Renewable energy systems not exceeding £20,000 Planning and Inspection Charge	S	S	249.90	299.88	249.90	299.88
Renewable energy systems not exceeding £20,000 Regularisation Charge	O	S	357.00	357.00	357.00	357.00
Installation of new shop front and work not exceeding £5,000 Plan and Inspection Charge	S	S	249.90	299.88	249.90	299.88
Installation of new shop front and work not exceeding £5,000 Regularisation Charge	O	S	357.00	357.00	357.00	357.00

<b>ND06</b>						
Cost of work exceeding £5,000 but not exceeding £25,000 Plan and Inspection Charge	S	S	410.55	492.66	410.55	492.66
Cost of work exceeding £5,000 but not exceeding £25,000 Regularisation Charge	O	S	624.75	624.75	624.75	624.75
Replacement of windows, rooflights, roof windows or external glazed doors (exceeding 20 units) Plan and Inspection Charge	S	S	321.30	385.56	321.30	385.56
Replacement of windows, rooflights, roof windows or external glazed doors (exceeding 20 units) Regularisation Charge	O	S	499.80	499.80	499.80	499.80
Installation of raised storage platform not exceeding 250 sqm within an existing building Plan and Inspection Charge	S	S	392.70	471.24	392.70	471.24
Installation of raised storage platform not exceeding 250 sqm within an existing building Regularisation Charge	O	S	553.35	553.35	553.35	553.35

<b>ND07</b>						
Cost of work exceeding £25,000 and not exceeding £100,000 Plan and Inspection Charge	S	S	714.00	856.80	714.00	856.80
Cost of work exceeding £25,000 and not exceeding £100,000 Regularisation Charge	O	S	1,088.85	1,088.85	1,088.85	1,088.85
Fit out of building up to 100 sq m Plan and Inspection Charge	S	S	481.95	578.34	481.95	578.34
Fit out of building up to 100 sq m Regularisation Charge	O	S	669.46	669.46	669.46	669.46



## COMMITTEE REPORT

**Reference:**  
16/01406/FUL

**Site:**  
5 La Plata Grove  
Brentwood  
Essex  
CM14 4LA

**Ward:**  
Brentwood West

**Proposal:**  
Single storey rear extension

**Plan Number(s):**

1120.01; 1120.02; 1120.03; 1120.05 Rev C

**Applicant:**  
Mr Sartaj Singh Gogna

**Case Officer:** Mr Nick Howard

This application was referred to the Planning and Licensing Committee for discussion by Ward Member Councillor Will Russell, if the recommendation is for refusal. Since that time, a revised plan has been submitted by the applicant; the application is to be determined by the Planning Committee to allow the committee Members the opportunity to consider the revised plans.

### 1.0 DESCRIPTION OF PROPOSAL

The proposal is for a single storey rear extension. The extension will project 4.3 metres from the rear of the dwelling, close to the boundary with No 7 La Plata Grove and will accommodate the dining room. Beyond that part of the extension, the proposal is set well in from the boundary and will extend a further 3.9 metres to accommodate the kitchen. The proposal comprises of a flat roof design.

## **2.0 SITE DESCRIPTION**

The property consists of a semi detached property located on La Plata Grove. The dwelling has a long rear garden, with a mature boundary hedge shared with No 7. The garden is set at a lower level than the floor level of the house and is accessed by four steps at the rear of the dwelling.

## **3.0 RELEVANT HISTORY**

- 15/01237/FUL: Part Single Storey/Double Storey rear extension -Application Refused
- 16/00605/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 4m and the proposed eaves height would be 3m - Prior Approval is required/Refused
- 16/00784/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 3m and the proposed eaves height would be 3m - Prior Approval is required/Given

## **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

None received

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby

Detailed below is a summary of the neighbour comments. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

At the time of writing the report, one letter of objection from No 7 has been received. The objection is on the grounds of an unacceptable loss of outlook and overshadowing, a loss of sunlight, the scale and proportions of the extension are out of keeping, the removal of the hedge and loss of human rights.

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: Policy CP1

NPPF Sections: Core Principles

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in early 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

## **7.0 ASSESSMENT**

The proposed ground floor plan shows that the proposed extension is to be set off the boundary with No 7 by about 0.2 metre and will project along the boundary for 4.3 metres. Beyond this projection the extension is to be set in by about 2.2 metres off the boundary and will project a further 3.9 metres.

The site has been subject to significant planning history. The current position is that the previous prior notification is subject to a judicial review which is ongoing. In the meantime the applicant has sought to gain planning permission with this application.

The relevant Local Plan policy is CP1 which states that development needs to satisfy a number of criteria, of which the following are most relevant to this proposal:

i) The proposal would not have an unacceptable detrimental impact on visual amenity, or the character and appearance of the surrounding area. The proposed extension is to the rear of the dwelling and therefore would not be visible from the road. To the rear of the site is a woodland which is open for public use. Therefore glimpses of the site would be achievable from the rear, however given the long garden length of the application site, it

is considered the proposed development would not be harmful to the character and appearance of the area.

ii) The proposal would not have an unacceptable detrimental impact on the general amenities of nearby occupiers or the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

The nearest neighbouring property is No 7 which is the attached semi-detached property and shares a common boundary. Along the boundary is a hedge which consists of semi mature trees and shrubs. The majority of the hedge is situated within No 7's garden. Close to the boundary No 7 has a rear lounge window/door with steps leading down into the garden. Further reference to the neighbours window and hedge will be made later in the report.

The proposed extension does not include any windows on the elevation facing towards No 7, therefore the proposal would not create any degree of overlooking into the neighbouring property. The proposal includes a utility window on the other flank of the extension, however this window serves a minor room and therefore would not create a harmful overlooking effect. Furthermore the proposal is not considered to create any loss of privacy to the neighbouring residents.

Turning to the issue of overbearing which is considered to be the central issue. The extension will project along the boundary with No 7 by a distance of 4.3 metres. This has been reduced from the original proposal of 6 metres. Along the boundary between the application site and No 7 is a semi mature hedge. The majority of the hedge is situated within the garden of No 7, however the proximity of the extension could potentially damage the roots of the hedge. Therefore the proposal includes setting the extension off the boundary by 0.2 metres which would provide a degree of separation to ensure the hedge could be retained during construction works and has potential for future growth in the long term. The plan shows the hedge is to be retained, however a condition requiring the foundations of the extension to be dug by hand would provide further potential for the hedge to be retained.

The floor level of the host dwelling is set approximately 0.6 metres above the level of the garden. In order for the floor level to run level from the host dwelling into the extension, the extension would be higher than a more conventional extension, which has an impact on the neighbour's outlook, particularly when viewed from their garden.

The neighbour's property, similar to the applicants, currently has a single opening serving the rear living area. Each property also has a small outrigger which accommodates a store and part of the kitchen. The projection along the boundary has been significantly reduced and therefore the combination of the reduction in size of this part of the extension, together with the retention of the boundary hedge and the extension being set off the boundary means that the impact on the neighbouring residents at No 7 would not be overbearing. It is accepted that the proposed extension would lead to some loss of light to the neighbours living room as the property faces south, however the proposed reduction to the projection along the boundary is on balance sufficient to still provide an acceptable outlook to the neighbouring residents.

With regard to the design of the extension it is of a flat roof contemporary design. The use of a flat roof also reduces the bulk of the extension. It is considered that the proposed design is in keeping with the style of the host dwelling and is not out of keeping with the character and appearance of the surrounding area. The host dwelling is constructed in brick and the proposed extension is to be constructed in matching materials which is again considered acceptable.

## **8.0 CONCLUSION**

The proposed extension, has been reduced in scale along the boundary with No 7 and therefore the size and massing of the development will not be harmful to the living conditions of the neighbouring residents. For the reasons set out above, officers consider the proposed development complies with criterion i), ii) and iii) of Policy CP1.

## **9.0 RECOMMENDATION**

The Application be APPROVED subject to the following conditions:-

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

Reason: To 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 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. 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. All soil stripping and excavation within the root protection area, of the rear boundary hedge between the application site and No 7 La Plata Grove, (the extent to be agreed by the Local Planning Authority), must be carried out by hand digging only.

Reason : In order to reduce any significant damage to tree roots of the boundary hedge.

#### Informative(s)

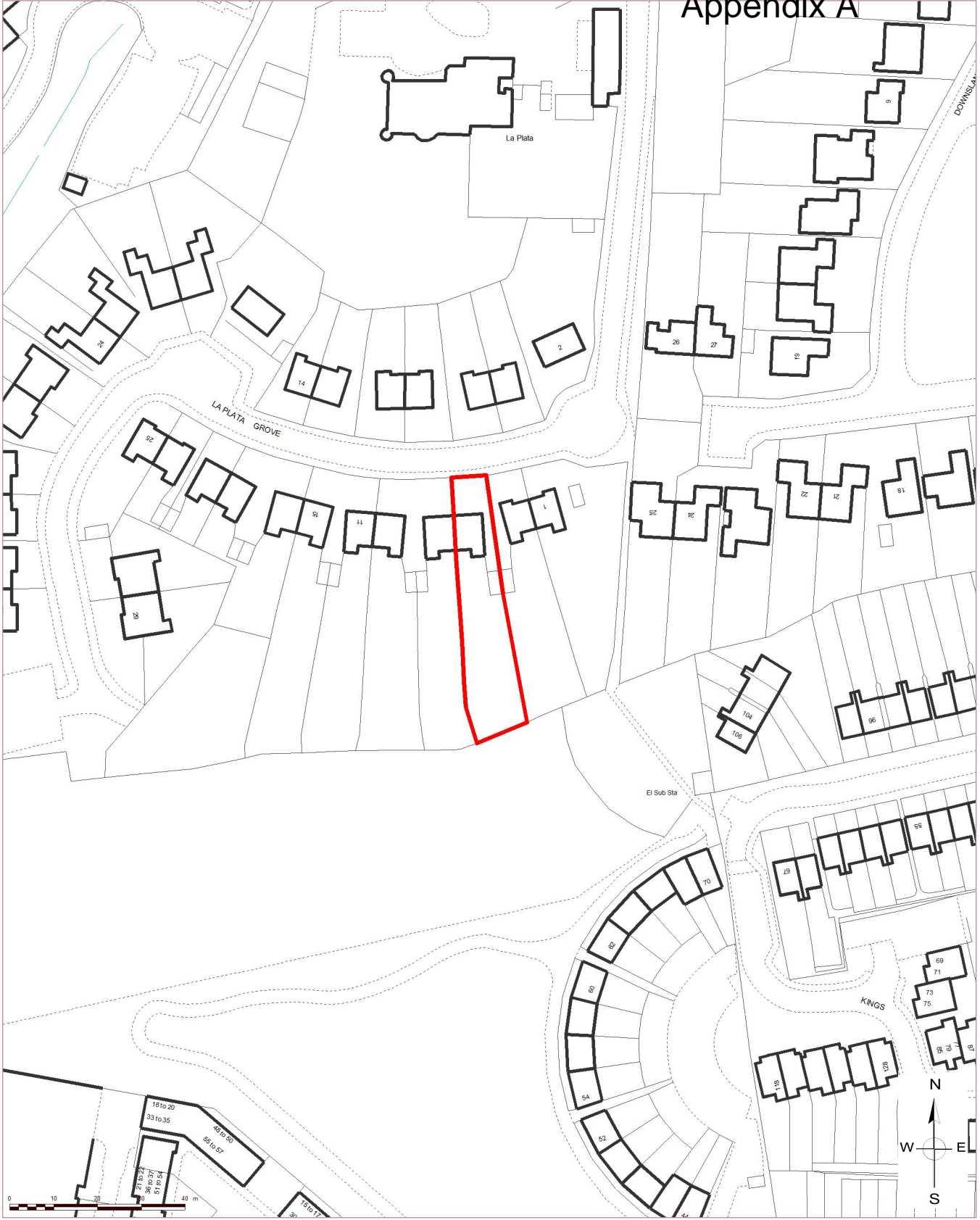
- 1 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1 the National Planning Policy Framework 2012 and NPPG 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying 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.
3. With regard to condition 4 the root protection area should be taken to be two metres from the boundary hedge.
4. The developer is reminded of the provisions of the party wall etc act 1996 which may require notification of the proposed works to affected neighbours. detailed information regarding the provisions of 'the act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. further information may be viewed at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

Appendix A



Title : 5 La Plata Grove, Brentwood

16/01406/FUL

Scale at A4 : 1:1250

Date : 24th January 2017

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



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**Reference:**  
16/01540/FUL

**Site:**  
Clay Hall  
Days Lane  
Pilgrims Hatch  
Essex  
CM15 9SJ

**Ward:**  
Pilgrims Hatch

**Proposal:**  
Construction of open fronted horse drawn carriages store, hay and straw storage, roof space storage for rugs harness and costumes/hats.

**Plan Number(s):**  
1; 2; 3; 4;

**Applicant:**  
Julie Rita Stewart

**Case Officer:** Kathryn Mathews

The application has been referred by Councillor Vicky Davies for the following reasons:-

CP1 (1)

The application would not have an unacceptable impact on visual amenity of the surrounding area

- (ii) the application is not unacceptable or detrimental to nearby occupiers;
- (iii) should be of a high standard and comparable with surrounding location

GB 2

Doesn't conflict or harm openness of the green belt  
(iii) site located nearby other buildings

GB1

Very special circumstances that the open sided construction is for storage and use for activities supporting a long established equestrian business including tuition and the use of horse and carriage for weddings and funerals.

## **1.0 DESCRIPTION OF PROPOSAL**

The proposal is described as being the 'Construction of open fronted horse drawn carriages store, hay and straw storage, roof space storage for rugs harness and costumes/hats'.

The building measures 5m in width x 10m in length and a maximum of 5.5m in height ('mansard' roof with two rooflights). The building is shown to be located around 5m from the western side boundary of the site. The ground floor of the building would accommodate two carriage bays and the first floor (accessed via an external staircase) is proposed as a storage area (around 40sq.m. in area) with a balcony at one end.

The materials proposed to be used to construct the external surfaces of the building are black weatherboarding above a brick plinth for the walls, and reclaimed clay peg tiles for the roof. The building would be open-sided on two elevations at ground floor level.

The boundary treatment and vehicle access and hardstanding would remain as existing.

The existing use of the site is described as 'storage area for trailers and hay and straw'.

## **2.0 SITE DESCRIPTION**

The application site is located within the Metropolitan Green Belt at the junction of Days Lane, Crow Green Road and Ashwells Road. The Clay Hall property accommodates a dwellinghouse, a paddock area, a menage, stables and outbuildings.

## **3.0 RELEVANT HISTORY**

- 16/00826/FUL: Replacement of existing buildings, open sided timber frame Dutch barn to be multi purpose use of hay/straw/carriages storage, internal stables and storage of rugs and harnesses (Retrospective) -Decline to determine
- 14/00006/FUL: Rebuilding of derelict outbuilding/stables adding additional roof storage (Retrospective) -Application Refused
- 01/00563/FUL - demolition of an existing stable block and the erection of a stable block and a carriage store - approved

## **4.0 SUMMARY OF CONSULTATION RESPONSES**

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Environmental Health & Enforcement Manager-**

No response received at the time of writing report.

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

One letter of representation has been received which raises the following matters:-

- Concern regarding size and design of building
- Concern regarding loss of privacy due to elevated viewing platform that overlooks their rear garden
- devalues their property
- Existing building subject to enforcement notice and prosecution
- Submission of application a delaying tactic

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy:

GB1  
GB2  
CP1

NPPF Sections:

Section 9  
Section 7

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation

19) which is currently anticipated to be published in early 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

## **7.0 ASSESSMENT**

The local planning authority declined to determine (S70c of the Planning Act) a previous planning application for 'Replacement of existing buildings, open sided timber frame Dutch barn to be multi purpose use of hay/straw/carriages storage, internal stables and storage of rugs and harnesses (Retrospective)' (reference 16/00826/FUL).

The development the subject of that previous application had been refused planning permission previously (reference 14/00006/FUL) and is the subject of an extant enforcement notice reference 13/00098/UNLDEV. The applicant has been prosecuted for non-compliance with the Enforcement Notice; the situation at the time of writing this report is that the building subject to the Enforcement Notice has been only partly dismantled but remains on site. The Enforcement Notice is therefore still in force.

The current application is for the same building but in a different location within the site, adjacent to the western boundary of the site.

It is considered that the main issues which require consideration as part of the determination of the application are the impact of the development on the Green Belt, its impact on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring properties and highway matters.

### **Principle**

The NPPF (paragraph 89) states that new buildings in the Green Belt are inappropriate development unless they are one of the exceptions listed in the NPPF (such as buildings for agriculture) and as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The current proposal is for a new storage building and does not fall within any of exceptions referred to in the NPPF. On this basis, the proposed building is inappropriate development in the Green Belt and, therefore, causes harm to the Green Belt, by definition, contrary to the NPPF (section 9) and Policy GB1.

### **Green Belt Openness**

The proposed building, as a result of its size and height, would reduce the openness of the Green Belt and would represent an encroachment of development into the Green Belt in conflict with one of the purposes of the Green Belt, contrary to the NPPF (section 9) and Policy GB2.

## Character and Appearance

The proposed building is located within a group of buildings but, as a result of its height, bulk and design (in particular its roof), would be an incongruous element in the locality and would harm the rural character and appearance of its surroundings, contrary to the NPPF (section 7), NPPG and Policy CP1 (criteria i and iii).

## Amenity of Neighbours

The proposed building is located close to the western boundary of the site and at a sufficient distance from any neighbouring property for the development not to cause material harm to the occupiers of any adjoining property by reason of dominance, loss of sunlight, loss of daylight, loss of outlook or nuisance, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

## Highways

As the proposal forms part of the existing use of the site, given the nature of the proposed use of the building and the area within the site available for parking and turning of vehicles associated with this use, it is not considered that the proposal would cause any highway safety concerns (Policies T2 and CP1, criteria iv and v).

## The Green Belt Balance

On the basis that the proposal constitutes inappropriate development in the Green Belt, there would need to be other matters which clearly outweighed the harm the development would cause by reason of inappropriateness and all other harm for there to be 'very special circumstances' to justify planning permission being granted in this case.

The applicant has not made any reference to very special circumstances and has not provided any information in support of the proposal. Officers are not aware of any matters which clearly outweigh the harm the development would cause and, therefore, there are no very special circumstances which would justify planning permission being granted in this case.

## Other Matters

The matters raised in the representation received have been covered above except for the issue of property value but this is not a material planning consideration.

## 8.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1. The proposed development would be inappropriate development within the Green Belt and, as a result of its scale, size and height, would result in a reduction in the openness of the Green Belt. The proposal would also represent an encroachment of development into the Green Belt. As a result, the development proposed is contrary to the NPPF (in particular section 9) as well as Policies GB1 and GB2 of the Brentwood Replacement Local Plan.
2. The proposed building, as a result of its height, bulk and design (in particular its roof), would be an incongruous element in the locality and harm the rural character and appearance of its surroundings, contrary to the NPPF (paragraph 17) and Policy CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.
3. There are no matters in support of the application would clearly outweigh the harm the development would cause to the Green Belt (through inappropriateness, a reduction in openness and encroachment) and to the character and appearance of the area. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

### Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, T2; the National Planning Policy Framework 2012 and NPPG 2014.
2. The drawing numbers listed above are relevant to this decision.
3. The Local Planning Authority has acted positively and proactively in determining this 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 provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at [www.brentwood.gov.uk/preapplicationadvice](http://www.brentwood.gov.uk/preapplicationadvice)

### Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

Appendix A



Title : Clay Hall, Days Lane, Pilgrims Hatch

16/01540/FUL

Scale at A4 : 1:1250

Date : 24th January 2017

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



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**Reference:**  
16/01492/FUL

**Site:**  
Lion Lodge South  
The Avenue  
Warley  
Essex  
CM13 3RZ

**Ward:**  
Warley

**Proposal:**  
Proposed new access road

**Plan Number(s):**  
1:1250 LOCATION PLAN; MB.DJA 1 OF 1;

**Applicant:**  
Mr M Bryan

**Case Officer:** Ms Tessa Outram

The application site is Council owned land and the decision level is at Planning and Licensing Committee.

## **1.0 DESCRIPTION OF PROPOSAL**

Permission is sought for the construction of a new vehicular access track to serve a residential property at the entrance of Thorndon Park. The access track would extend approximately 63 metres long and 2.4m wide adjacent to the west boundary of the property, and would be modelled to navigate around a mature oak tree. The materials proposed are concrete cellular pavements.

## **2.0 SITE DESCRIPTION**

The application site is within a Site of Special Scientific Interest (SSSI) and adjacent to a Conservation Area. It is adjacent to the west boundary of Lion Lodge South, a private residential dwelling.

Lion Lodge South is also a Grade II Listed Building that together with Lion Lodge North forms a pair of Historic Gate Houses at the principle entrance of the Grade II\* Listed Park and Garden of Thorndon Country Park.

The land to the west of the Park entrance gates (the site) is owned by Brentwood Borough Council. In their consultation response, Natural England describe the SSSI as being noted for its particular tree species and its outstanding invertebrate assemblage associated with the many veteran trees and pollards on the site, making the area particularly sensitive to development.

### 3.0 RELEVANT HISTORY

- 15/00744/FUL: Proposed new access road. -Application Withdrawn

### 4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Natural England-** Natural England objects to this proposal. As submitted we consider it will: damage or destroy the interest features for which Thorndon Park Site of Special Scientific Interest (SSSI) has been notified and would result in a direct loss or damage of ancient woodland (or other irreplaceable habitat).
- **Essex Wildlife Trust-** No comments received at the time of writing this report.
- **Highway Authority-** The section of road fronting Lion Lodge South is not adopted, therefore From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.
- **Historic Buildings And Conservation Officer-** I raise fundamental objection on Conservation Grounds to the proposal. The listed building sits prominently as one of a pair of nationally important gatehouses - this open approach to the listed building from The Avenue, is framed by a lawned area together with mature landscaping, the landscaping positively contributing to the setting of the listed building and the overall character and appearance of the Conservation Area and Listed Park and Garden. I advise, as with the previously withdrawn application, the introduction of this access road will result in material harm to the setting of the listed building, the Conservation Area and the Grade II\* listed Park and Garden. There are no public benefits which would outweigh the harm of these proposals. I recommend this application is refused.

- **Arboriculturalist-** The proposal constitutes an operation likely to damage the special interest of the area. The applicant was asked to provide a implication and method statement as to how the construction of the track would protect the trees on the area. This was not forthcoming and therefore no judgement can be made as to the effect on the trees . However general principles mean that no such structure can be input without detriment to the health and ultimately the safety of the existing trees without the benefit of that prior consideration. This is a very specialized field and I believe that the proposal is ill sited and should be refused . I am furthermore skeptical that any solution is possible within this sensitive area.
- **Historic England-** The proposed road whilst constructed from a semi-permable concrete paviour will have some visual impact on the setting of the listed lodge and registered landscape park, causing some harm. Grass rarely succeeds on semi-permeable paving and will therefore be visible on a principle entrance to the park. Concerns are also raised on the detrimental impact on the roots of mature trees.
- **Assets Manager-** Essex County Council have confirmed the owner has a legal right of way across land in the ownership of the County Council therefore there is no need for the development on the Brentwood Council Land other than to protect the owners property from development. The applicant has made the choice that he prefers an access across Brentwood Council Land which we will not permit access over.

## 5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- The applicant could construct a lower impact, less invasive access route into his garden directly from the Park Road where there is a legal right of way into the site.
  - The applicant will park wherever he wants including along the proposed access road if approved and would allow for a row of parking to develop alongside the building.
  - The vehicles on the proposed access will be intrusive to the Lodge and Gates
  - The ancient footpath is not a precedent for forming a driveway.
  - Lion Lodge North's access is well screened
  - The access would impact upon the SSSI and add further urban encroachment
  - The access may lead to traffic and safety issues.
- Ward Member Councillor Jill Hubbard has provided the following observations:

- The design and access statement clearly states that there will not be a tarmac-ed road. The plan is for a 'block pavior' to be set into the soil which would allow grass & other flora etc to grow through it.
- The intention is to reinstate an old track leading to an original gate so it will have minimal impact on the surrounding area or the country park. It will not be any more visible than the track which is alongside Lion Lodge (North) opposite it.
- Refusal would entail the applicants cutting down the screen of trees to the north of their property and having to make another planning application for a gate etc through into their garden. This would spoil the current leafy access to Thorndon North.

## **6.0 POLICY CONTEXT**

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy:

CP1 General Development Criteria

C5 – Retention and Provision of Landscaping and Natural Features in Development

C9 – Ancient Landscapes and Historic parks and gardens

C14 – Development Affecting Conservation Areas

C16- Development within the vicinity of a listed building

NPPF Sections: Chapter 7 (requiring good design), Chapter 11 (conserving and enhancing the natural environment) , Chapter 12 (conserving and enhancing the historic environment)

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in early 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

## **7.0 ASSESSMENT**

The key issues for consideration are :-

- Is the development appropriate for the Green Belt?
- Effect on the character and appearance of the area
- The effect of the proposal on the heritage assets (Grade II listed building and Grade II\* Park and Garden)
- The effect on the SSSI
- The impact if any on Ecology and trees
- Any other considerations

### **Is the development appropriate in the Green Belt?**

Paragraph 79 of the National Planning Policy Framework attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; one of the essential characteristics of Green Belts is their openness and their permanence. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The exceptions to inappropriate development are listed in paragraphs 89 and 90 of the NPPF, and includes engineering operations, provided they are not harmful to the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

The construction of the new access would be an engineering operation, would have a neutral effect on the openness of the Green Belt and would result in a very limited encroachment into the Green Belt. It is therefore considered that the proposal does not constitute inappropriate development in the Green Belt.

### **Effect on the Character and Appearance of the Area**

The area immediately approaching Lion Lodge South is grassed lawn, with low level scrub. The flank wall of the property is therefore exposed to public view for a length of around 13m before reaching the more dense wooded area of the park. When approaching the site from The Avenue, the proposed track surface would be seen only when relatively close to the house; although the applicant states that vegetation is designed to grow through the cellular blocks, its success is likely to depend on the number of traffic movements and how often they occur.

It is noted that a vehicular track has evolved to the west of Lion Lodge North opposite the site, which the occupants use to access a parking area to the rear of that property. No hardstanding is evident and it appears to have been created through repetitive, causal use rather than as a result of calculated development. It is largely screened from view because of the denser vegetation and matures trees to the front of the property. Nevertheless, it is not considered to be a good precedent for a similar development to the south, where the track and its use by vehicles would be much more apparent.

The comments of the Conservation Officer are set out above and there is no need to repeat them in full here but in summary she considers that the current landscape and setting contributes positively to the appearance of the area and that any intervention would have a negative impact on its character. Although not within the conservation area, it is immediately adjacent to it. Policy C14 of the Brentwood Adopted Local Plan states at criterion (v) that proposals will only be permitted where they do not affect any buildings, open spaces, trees, views or other aspects which contribute to the special character of the (Conservation) area.

Based on the comments of the Conservation Officer, it is considered that the introduction of a new vehicular access track in this location would have a detrimental impact on the special character of the area in conflict with Local Plan Policies C14 (v) and CP1 (i).

### **Impact on Heritage Assets**

The heritage assets are considered to be the Grade II\* Park and Garden, the Grade II Listed Building, Lion Lodge South and the adjacent Thorndon Park Conservation Area.

Part 12 of the NPPF sets out the approach that Local Planning Authority's should take in assessing the impact of new development on heritage assets. The Council's Heritage Officer has provided an assessment on the significance of the heritage assets (see above). She considers the setting of the listed building including its surrounding

landscape to be highly significant. Historic England has commented that the new access will have some visual impact on the setting of the listed building and the registered landscape park. On the basis of these objections, it is considered that while there would be less than significant harm to the heritage assets that harm is not outweighed by any public benefit provided by the proposal, and is therefore in conflict with local plan policies C14 (v), C16 and with paragraph 134 of the National Planning Policy Framework.

### **The impact on the Site of Special Scientific Interest (SSSI)**

Proposed development within an SSSI is addressed within Part 11 of the NPPF and sets out that where it is likely to have an adverse effect on a SSSI, permission should not be permitted unless the benefits outweigh the impact on the special features of the site and any broader impacts on the national network of SSSI. Local plan policy C9 is broadly consistent with these aims and objectives, and therefore carries considerable weight.

Natural England consider that the proposed access road would result in a direct loss of the woodland habitat for which the SSSI is noted; even if the existing trees are retained the woodland habitat would still be lost as the full woodland structure is integral to its condition (including the canopy, understory and ground flora).

No ecological survey or ecological impact assessment has been submitted as part of the application and it is not considered that a condition attached to any permission would be able to address the harm caused by the proposal.

In terms of whether the proposal would provide benefits that overcome the identified harm, the applicant states that the access road is *“to greatly enhance the owners ability to enjoy the amenity of their property while, at the same time, facilitating the parking of vehicles at a remote distance from the historic house to the visual benefit of the estate and park entrance”*.

Even if this were to be the case, it is not considered that this benefit would outweigh the significant and demonstrable harm identified by Natural England. This would be contrary to local plan policy C9 and paragraph 118 of the NPPF.

### **Tree and Landscaping Considerations**

The applicant has declined to provide an arboricultural impact assessment and it is therefore considered that the proposed vehicular access track would be detrimental to the health and safety of existing trees adjacent to the site.

The proposal is therefore in conflict with Local Plan Policies C5, and paragraph 118 of the NPPF.

### **Impact on Neighbour Amenity**

Whilst the proposed access road would lead to increase vehicle activity to the front of the site it is not considered the noise or disturbance generated from the access road would lead to a detrimental impact on the living conditions of neighbouring occupiers at Lion Lodge North.

### **Parking and Highways Considerations**

It is not considered that there is any significant highway safety or parking issues arising from the proposal.

### **Other Considerations:**

#### **Ownership:**

The applicant has stated the proposed access will emulate a historic track that once ran alongside the property. In support of this claim they have provided a mid -19thC map that appears to show a track or pathway leading to the existing gates but does not appear to extend to the north where the access road is proposed. The Conservation Officer is of the view that this would have been a woodland footpath, not a vehicular track, evidenced by the number of other similar 'tracks' shown on the map that trail through the heart of the woodland. The changes in the classification of the woodland since the production of that map do not support the introduction of a new vehicular access in this location, and therefore officers do not consider that the proposal represents a reintroduction of an existing track.

Land ownership issues are dealt with between the relevant parties and are not material to the planning decision but it has been confirmed by Essex County Council that the applicant has right of access to their property from the Park as an alternative means of vehicular access.

Natural England indicate that as the site is on land registered as common land and any grant of permission will require specific consent from the Secretary of State.

#### **Representations:**

The report has dealt with most of the comments submitted; should the application be permitted, the use of conditions could not prevent the parking of cars along the track; the use of block paviour does not guarantee that grass and flora will flourish; it is not considered that it will reintroduce a previous established track; refusal would not result in the removal of trees that add visual value to the Thorndon Park.

## **8.0 CONCLUSION**

The proposed access and its associated use is visually harmful to the character and appearance of the area, the setting of the Grade II listed building and the setting of the Grade II\* Listed Park and Garden. There are no identified public benefits arising from



the development that would outweigh that harm. Furthermore, it is considered that the development would be harmful to the special features including matures trees and woodland habitat, of the SSSI. There are no other considerations considered to outweigh this harm and officers do not consider that there are any conditions that could be attached to a permission to mitigate that harm.

The proposal therefore conflicts with Local Plan Policies CP1, C14, C5, C9 and C16 and parts 7, 11 and 12 of the National Planning Policy Framework.

## **9.0 RECOMMENDATION**

The Application be REFUSED for the following reasons:-

1. The proposed access road by way of its siting, design and detail is not sympathetic within its location and would detract from the character and appearance of the area and its landscaped setting contrary to Brentwood Replacement Local Plan Policies CP1 (i) and C14 (v). Furthermore, it would be harmful to the setting of the adjacent Grade II listed building and the primary entrance of the Grade II\* Listed Park and Garden. Although that harm would be less than substantial there would be no public benefit outweighing the harm, in conflict with paragraph 134 of the National Planning Policy Framework and policy C16 of the Local Plan.
2. It has not been demonstrated that the proposal would not result in the loss of the woodland habitat for which the Site of Special Scientific Interest (SSSI) is noted; the application as submitted without specific detailing would result in detrimental harm to the existing trees, ecology and habitat that form part of the SSSI woodland. There would be no exception that would clearly outweigh both the impacts that the proposal it is likely to have on the features of the site that make it of special scientific interest that would justify the grant of planning permission. This would be in conflict with Local Plan policies C6, C9, CP1 (viii) and with paragraph 118 of the NPPF.

### Informative(s)

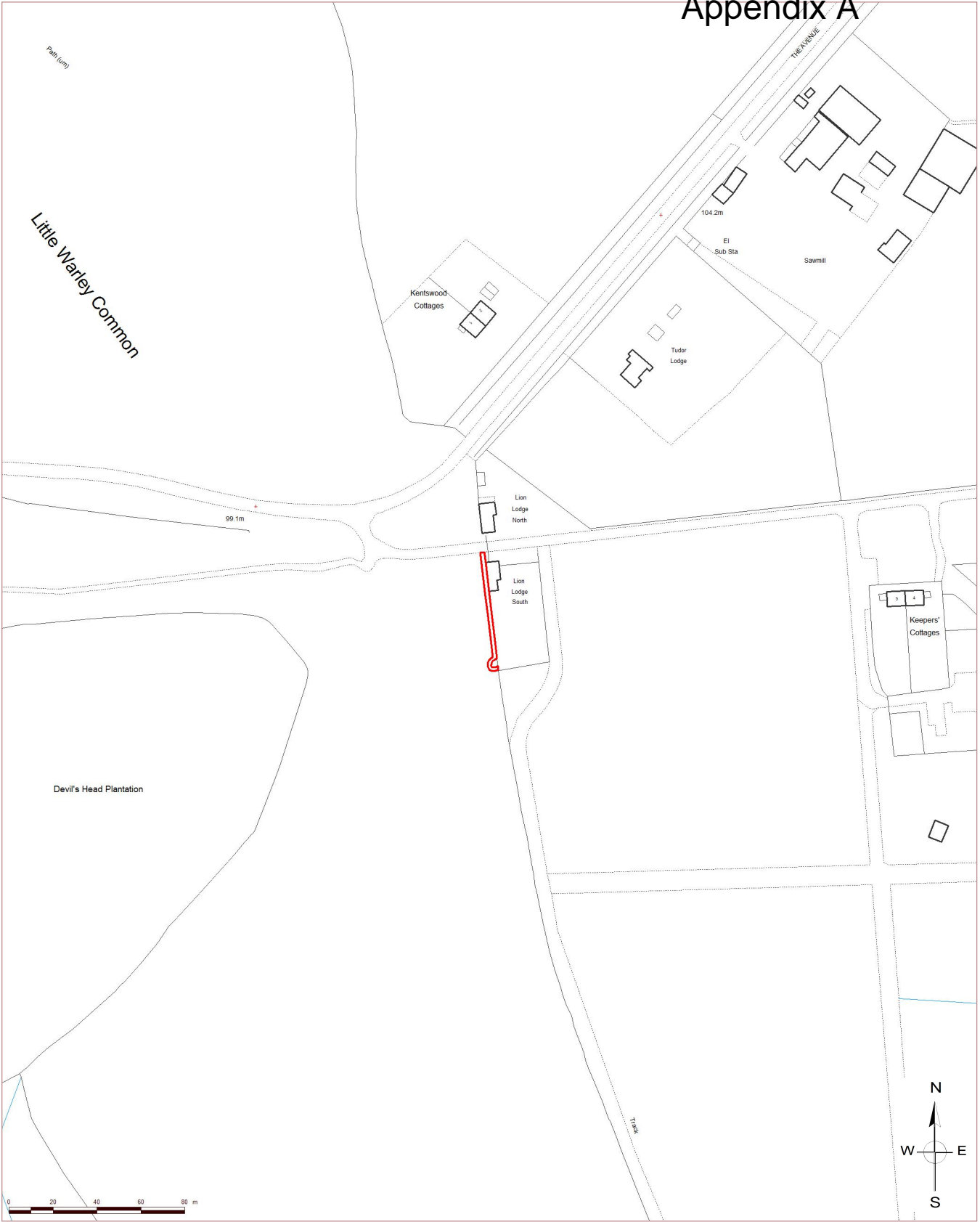
- 1 The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C9, C5, C14, C16 the National Planning Policy Framework 2012 and NPPG 2014.

- 2 The drawing numbers listed above are relevant to this decision
  
- 3 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 provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at [www.brentwood.gov.uk/preapplicationadvice](http://www.brentwood.gov.uk/preapplicationadvice)

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: [www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning)

Appendix A



Title : Lion Lodge South, The Avenue, Warley

16/01492/FUL

Scale at A4 : 1:2500

Date : 24th January 2017

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



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**24 January 2017**

## **Planning and Licensing Committee**

### **Response to Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan Schedule of Modifications**

**Report of:** *Phil Drane – Planning Policy Team Leader*

**Wards Affected:** *All Wards*

**This report is:** *Public*

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

- 1.1 The Essex and Southend Replacement Waste Local Plan Pre-Submission Draft was submitted to the Secretary of State for an Examination in Public which took place between September and October 2016. Following the public hearing sessions Essex County Council and Southend-on-Sea Borough Council made a request to the Inspector to make several modifications to make the document sound/legally compliant and appropriate for adoption. The modifications are subject to a public consultation, responses to this will be considered by the Inspector before a formal report is issued.
- 1.2 Brentwood Borough Council previously made comments on the Pre-Submission Draft version of the Plan regarding Areas of Search and Safeguarded Sites, concluding that the Plan was sound and legally compliant. The Main Modifications being proposed are considered to be reasonable and do not result in a change in this position. This report recommends that the Council makes a formal response to the Schedule of Modifications consultation to confirm that there is no comment.

#### **2. Recommendation**

- 2.1 To approve a response of ‘no comment’ to the Essex and Southend Replacement Waste Local Plan Schedule of Modifications (January 2017), as explained in this report.**

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

- 3.1 Essex County Council and Southend-on-Sea Borough Council (as waste planning authorities) are jointly preparing a Waste Local Plan. Once adopted the Plan will supersede the existing Essex and Southend Waste Local Plan 2001.
- 3.2 The Replacement Waste Local Plan will set a strategy for waste development up until 2032. Once adopted, the Plan will safeguard existing waste capacity, allocate sites considered suitable for waste facilities, and includes a range of land use-specific and generic policies to manage future waste development. This will form the Waste Plan for Essex and Southend, including Brentwood Borough (within the Essex County waste planning area).
- 3.3 Following an Examination in Public that took place between September and October 2016, Essex County Council and Southend-on-Sea Borough Council made a request to the Inspector to make several modifications (changes), which were deemed necessary to make the plan sound/legally compliant and appropriate for adoption.
- 3.4 The modifications are separated into two categories. Main modifications are changes required by the Inspector to ensure the Plan is sound and legally compliant, this includes any change to a policy or its interpretation. Minor modifications are identified by the Waste Planning Authorities which improve the readability and consistency of the Plan as a whole.
- 3.5 A six week public consultation on the Schedule of Modifications is taking place from 5 January to 16 February 2017.
- 3.6 Following the consultation and submission of representations to the Inspector in March 2017, the Waste Planning Authorities are expecting to receive the Inspectors report in April. Provided the Inspector finds the Plan sound the Waste Planning Authorities will formally adopt it in July 2017.
- 3.7 The Essex and Southend Replacement Waste Local Plan, once adopted, will form part of the Development Plan for Essex and will replace the Essex Waste Local Plan, which was adopted in 2001.

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

- 4.1 The Council has previously made comments on the Areas of Search and Safeguarded Sites as part of representations to the Pre-Submission Draft

version of the Replacement Waste Local Plan (see item 428 Planning & Licensing Committee 24 April 2016). This was due to there being a number of Areas of Search and Safeguarded Sites within Brentwood Borough that could affect proposed sites in the Brentwood Draft Local Plan. However, the impacts of these designations were not considered to be in conflict with the aims of the emerging Brentwood Local Development Plan and a response was made which concluded the Replacement Waste Local Plan was sound and legally compliant.

- 4.2 In total there are 26 main modifications and 27 minor modifications that have been set out within the schedule produced and subject to public consultation. Full details of all the Main Modifications are set out in Appendix A. A summary of key Main Modifications is provided below.
- 4.3 Main Modification 3 updates the figures included within Policy 1, which set out the need for waste management facilities. This shows an increase in need of 1,000 tonnes per annum for biological treatment of non-hazardous organic waste, resulting in a total need of 218,000 tonnes per annum. In addition, the need for management of inert waste is raised from 1.5 to 1.95 million tonnes per annum. These changes are to reflect the most up to date information including that relating to cross boundary movements from London.
- 4.4 Main Modification 4, which amends Policy 2 and the supporting text regarding Waste Consultation Areas, recommends a specific area of 400 metres is applied to permitted Water Recycling Centres. This would be in addition to the standard 250m that is applied to all other permitted waste sites. This change is proposed based on evidence put forward by Anglia Water. There is also an additional paragraph proposed that clarifies the operation of the safeguarding policy. This explains that the Waste Planning Authorities are unlikely to object to development in close proximity to small scale, non-specialist facilities defined as those with a capacity of 10,000 tonnes per annum or less.
- 4.5 Main Modification 5 proposes changes to Policy, 3 which sets out the Strategic Site Allocations. This includes the addition of a new site for inert landfill, referred to as Dollymans Farm, Basildon/Rochford (L(i)16). This is considered to be necessary to demonstrate that the Plan has been positively prepared by meeting the inert landfill needs of the area. This new site is situated to the south east of Wickford adjoining the A130.
- 4.6 Main Modification 6 sets out a proposed change to the supporting text of Policy 4, which concerns Areas of Search. Amendments to the supporting text provide clarification on what would happen if the Local Planning

Authority were to reallocate land classed as an Area of Search to a use other than B2/B8 within their respective Local Plans. If land was reallocated the proposed new text confirms that the location would cease to be an Area of Search and Policy 4 would no longer apply.

- 4.7 There are two Areas of Search identified in the Replacement Waste Local Plan within Brentwood Borough, including Childerditch Industrial Estate and West Horndon Industrial Estate. Brentwood Borough Council raised in representations to the Pre-Submission Draft consultation that West Horndon Industrial Estate had been identified as a potential housing site in the Draft Local Plan (2016). Main Modification 6 means that subject to the Brentwood Local Plan being found sound and adopted with the West Horndon Industrial Estate allocated as a housing site, the Area of Search Policy in the Replacement Waste Local Plan would no longer apply. In the meantime the Council will continue to work with the Waste Planning Authorities as the Brentwood Local Plan advances.

## **5. Reasons for Recommendation**

- 5.1 It is not considered necessary to make any formal comments to the Essex and Southend Replacement Waste Local Plan Schedule of Modifications as these do not result in any potential negative effect on development within Brentwood Borough. These changes are deemed necessary by the Planning Inspector in order to make the Plan sound and capable of adoption.
- 5.2 As outlined in representations made in previous consultations, the Council supports the main aim of the Replacement Waste Local Plan to continue to support better and more sustainable ways of dealing with waste, further reduce dependence on landfill and achieve net self-sufficiency for all waste streams.

## **6. Consultation**

- 6.1 Essex County Council is currently undertaking a six week public consultation on the Schedule of Modifications from 5 January to 16 February 2017.

## **7. References to Vision for Brentwood 2016-19**

- 7.1 The new Essex and Southend Waste Local Plan will have a close relationship with the emerging Brentwood Local Plan, the production of which is a key priority in the Council's Corporate Plan (Planning and Licensing).



## **8. Implications**

### **Financial Implications**

**Name/Title: Ramesh Prashar, Financial Services Manager**

**Tel/Email: 01277 312513/ ramesh.prashar@brentwood.gov.uk**

- 8.1 None directly arising from this report.

### **Legal Implications**

**Name/Title: Daniel Toohey, Monitoring Officer**

**Tel/Email: 01277 312860 / daniel.toohey@brentwood.gov.uk**

- 8.2 The Essex and Southend-on-Sea Replacement Waste Local Plan has been examined by an independent inspector whose role was to assess whether the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound.

**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 Council's Street Scene & Environment Team has been made aware of the proposed strategy for waste management in Essex as once adopted (expected July 2017) this could have implications for refuse and recycling collection services.
- 8.4 The Council's Planning Development Management Team has been made aware of Waste Consultation Areas due to come into affect for safeguarded sites once the Plan is adopted as this will need to be considered for validation purposes as part of the decision-taking process.

## **9. Background Papers**

- 9.1 Essex and Southend-on-Sea Replacement Waste Local Plan Schedule of Modifications (January 2017)
- 9.2 Essex and Southend-on-Sea Replacement Waste Local Plan Pre-Submission Draft (March 2016)
- 9.3 Brentwood Borough Council response to the Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan Pre-Submission Draft Consultation (March 2016)

## 10. Appendices to this report

- Appendix A: Essex and Southend-on-Sea Replacement Waste Local Plan Schedule of main modifications

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## 2 Main Modifications

**2.1** These modifications have been proposed by the Inspector during the hearing sessions of the Examination in Public in order to ensure that the Replacement Waste Local Plan is sound and legally compliant. The National Planning Policy Framework 2012 sets out the four Tests of Soundness against which the Plan is being assessed by the Planning Inspectorate. A sound document will be:

1. Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development;
2. Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
3. Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
4. Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the (Minerals and Waste Development) Framework.

**Table 2 Main Modifications**

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	1	Paragraph 4.21 to 4.23	See 'Appendix 1 - The Waste Challenge at a Glance'	See 'Appendix 1 - The Waste Challenge at a Glance' <ul style="list-style-type: none"> <li>• Update of figures used in 'The Waste Challenge – At a Glance' section to take into account further information arising from the consultation, the Hearings and the addition of L(i)16 – Dollymans Farm.</li> </ul>	To be “effective” and “positively prepared” the Plan must reflect the best available data, including that relating to cross boundary movements from London.

Appendix A

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	2	Paragraph 5.3	The principle of net self-sufficiency does not apply to reactive hazardous waste or radioactive waste as it is not considered practical to provide for such specialist facilities within the Plan area.	The principle of net self-sufficiency does not apply to <b>hazardous waste or</b> radioactive waste as it is not considered practical to provide for such specialist facilities <b>on the basis of net self-sufficiency</b> within the Plan area.	To clarify the approach of the RWLP in respect of net self-sufficiency.
MAIN	3	Policy 1	See 'Appendix 2 - Policy 1'	See 'Appendix 2 - Policy 1' <ul style="list-style-type: none"> <li>• Clause a - update of shortfall capacity figure for biological treatment for non-hazardous organic waste</li> <li>• Clause b – update of shortfall capacity figure for inert waste</li> <li>• Clause c – update of term “other waste” to be clearer</li> </ul>	To be “effective” and “positively prepared” the Plan must reflect the best available data, including that relating to cross boundary movements from London.  Update also provides clarity around what is meant by ‘other waste’.
MAIN	4	Policy 2	See 'Appendix 3 - Supporting Text and Policy 2'	See 'Appendix 3 - Supporting Text and Policy 2' <ul style="list-style-type: none"> <li>• Update to reflect consultation distance in</li> </ul>	The increase in the WTC safeguarding distance was made at the request of Anglia

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<p>respect of WTC, from 200m to 400m.</p> <ul style="list-style-type: none"> <li>Updates to paragraph 6.10 and a new paragraph 6.11 to clarify operation of safeguarding policy.</li> <li>Updates to the policy which act to set out the stance the WPA is likely to take to applications within safeguarding areas.</li> </ul>	<p>Water, who provided evidence to support the request.</p> <p>Updates to paragraph 6.10, the new paragraph 6.11 and Policy 2 are included for reasons of clarity.</p>
MAIN	5	Policy 3	See 'Appendix 4 - Policy 3'	<p>See 'Appendix 4 - Policy 3'</p> <ul style="list-style-type: none"> <li>Clause 1 – name change of Basildon Waste Water Treatment Works.</li> <li>Clause 2 – removal of Wivenhoe Quarry allocation, with the facility proposed in the Wivenhoe locality moved to the Sunnymead, Elmstead and Heath Farms allocation.</li> <li>Clause 3 update to clarify what is meant by 'other waste' management.</li> </ul>	<p>The change of name to the Basildon site is a factual update.</p> <p>The changes to Clause 2 reflect a new preference on behalf of the site promoter for inert recycling capacity delivery, and at this initial stage, the revisions would be supported by the Waste Planning Authority.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	6	Paragraph 8.10	<p>Proposals within the Areas of Search will normally require express planning permission and will be considered against policies in the RWLP, and the wider Development</p>	<ul style="list-style-type: none"> <li>• Clause 4 – inclusion of a new inert recycling allocation at Dollymans Farm, Basildon.</li> <li>• Removal of the words “as follows and”.</li> </ul>	<p>The change from the term “other waste” in Clause 3, to “residual non-hazardous waste” provides clarity regarding the type of waste managed at this site.</p> <p>The introduction of a new site at Clause 4 is considered necessary for the Plan to be judged as being “positively prepared” as the Plan now better seeks to meet the needs of the Plan area.</p> <p>The removal of the words “as follows and” is for reasons of clarity.</p>
			<p>Proposals within the Areas of Search will normally require express planning permission and will be considered against <b>other relevant</b> policies in the RWLP,</p>		<p>To provide additional clarity with regard to the intended operation of Areas of Search.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
			<p>Plan as a whole. The design and operation of waste management facilities proposed within Areas of Search should be consistent with existing uses in the employment area.</p>	<p><u>including Policy 10 – Development Management</u>, and the wider Development Plan as a whole. <u>The need to consider the wider Development Plan is important as it is the relevant Local Plan which determines whether an Area of Search designation remains relevant. Should a Local Plan seek to re-allocate land pertaining to an Area of Search away from B2/B8 uses, the criteria upon which Areas of Search are based would no longer be fulfilled. In such instances, the location would cease to be an Area of Search and Policy 4 would no longer apply.</u> The design and operation of waste management facilities proposed within Areas of Search should be <b>consistent</b> <u>compatible</u> with existing uses in the employment area.</p>	

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	7	Policy 4	See 'Appendix 5 - Policy 4'	<p>See 'Appendix 5 - Policy 4'</p> <ul style="list-style-type: none"> <li>Revised policy to include supporting text in order to aid clarity around the purpose of Areas of Search.</li> <li>Removal of Oakwood and Crusader Business Park as an Area of Search reflects the recent granting of a housing permission.</li> </ul>	<p>To provide additional clarity with regard to the intended operation of Areas of Search.</p> <p>The removal of Oakwood and Crusader Business Park as an Area of Search reflects the recent granting of a housing permission.</p>
MAIN	8	Policy 5	See 'Appendix 7 - Policy 5'	<p>See 'Appendix 7 - Policy 5'</p> <ul style="list-style-type: none"> <li>Title change to better reflect that the policy applies to enclosed facility proposals on unallocated sites.</li> <li>Clause 1 – replacement of “or” with “and”, and deletion of “and” from “and/or”.</li> <li>Clause 2- the addition of “although not exclusively” in relation to</li> </ul>	<p>The Plan requires further clarity in order to be considered “effective” .</p> <p>The changes to Clause 1 ensure the correct operation of the Policy.</p> <p>The addition of the words “although not exclusively” more directly aligns the plan with the notion of net self-sufficiency.</p>



Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<p>waste arising in the Plan Area.</p> <ul style="list-style-type: none"> <li>• Addition of a final sentence to state that proposals not according with the Policy will be assessed on their merits.</li> </ul>	
MAIN	9	Policy 6	See 'Appendix 8 - Policy 6'	<p>See 'Appendix 8 - Policy 6'</p> <ul style="list-style-type: none"> <li>• Title change to better reflect that the policy applies to open facility proposals on unallocated sites.</li> <li>• Clause 1 – replacement of “or” with “and”, and deletion of “and” from “and/or”.</li> <li>• Clause 2- the addition of “although not exclusively” in relation to waste arising in the Plan Area.</li> <li>• Addition of a final sentence to state that proposals not according with the Policy will be assessed on their merits.</li> </ul>	<p>The Plan requires further clarity in order to be considered “effective”.</p> <p>The changes to Clause 1 ensure the correct operation of the Policy.</p> <p>The addition of the words “although not exclusively” more directly aligns the plan with the notion of net self-sufficiency.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	10	Policy 7	See 'Appendix 9 - Supporting Text and Policy 7'	<p>See 'Appendix 9 - Supporting Text and Policy 7'</p> <ul style="list-style-type: none"> <li>Title change to clarify that the policy deals with all radioactive waste and not just nuclear waste.</li> <li>First paragraph – addition of the word “management” in place of “treatment and/or storage” and addition of “supported” in place of “only be acceptable”.</li> <li>Clause b – addition of “radioactive” and “at this location” in place of “decommissioned nuclear” and “site” respectively.</li> </ul>	<p>The Plan requires further clarity to be considered “effective”.</p> <p>More positive language was required to ensure that the Plan was “positively prepared”.</p> <p>Further modifications reflect extant national guidance terminology.</p>
MAIN	11	Policy 9	See 'Appendix 10 - Policy 9'	<p>See 'Appendix 10 - Policy 9'</p> <ul style="list-style-type: none"> <li>Title change to better reflect that the policy applies to new disposal facilities on unallocated sites.</li> <li>Clause 1 – replacement of “or” with “and”, and</li> </ul>	<p>The Plan requires further clarity in order to be considered “effective”.</p> <p>The changes to Clause 1 ensure the correct operation of the Policy.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<p>deletion of “and” from “and/or”.</p> <ul style="list-style-type: none"> <li>Clause 2- the addition of “although not exclusively” in relation to waste arising in the Plan Area.</li> <li>Addition of a final sentence to state that proposals not according with the Policy will be assessed on their merits.</li> </ul>	<p>The addition of the words “although not exclusively” more directly aligns the plan with the notion of net self-sufficiency.</p>
MAIN	12	Paragraph 9.33	<p>The Public Rights of Way (PROW) network provides an important means of accessing the countryside. Where necessary, applicants will be required to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. Restoration schemes should provide for access which is at least as</p>	<p>The Public Rights of Way (PROW) network provides an important means of accessing the countryside. Where <b>relevant, applications for waste management</b> will be required to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. <b>Restoration schemes should, in the first</b></p>	<p>The modification demonstrates a stronger accordance with the Essex and Southend-on-Sea Public Rights of Way Improvement Plans.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
			<p>good as that existing before workings began and should be seen as an opportunity to create new PROW where this is possible and desirable. The closure of a PROW, where no alternative route is provided, will normally not be acceptable.</p>	<p><u>instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multi-user paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began, and the</u>  <u>The</u> closure of a PROW, where no alternative route is provided, will not normally be acceptable.”</p>	
MAIN	13	Policy 10	See 'Appendix 11 - Policy 10'	<p>See 'Appendix 11 - Policy 10'</p> <ul style="list-style-type: none"> <li>• More detail provided around Clause b (protection of water resources).</li> <li>• Addition of final sentence setting out that enhancement opportunities should be sought.</li> </ul>	Further clarification and the addition of the explicit need to seek enhancements is required to enable the Plan to be “Positively Prepared”.

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	14	Policy 12	See 'Appendix 12 - Policy 12'	See 'Appendix 12 - Policy 12' <ul style="list-style-type: none"> <li>Inclusion of Clause d to set out a further tier in the hierarchy of preference for transportation.</li> </ul>	A formatting error resulted in the exclusion of Clause d during the drafting of Policy 12 at the Pre-Submission Stage.
<b>Appendix B - Development Principles</b>					
MAIN	15	Table 8 - Bellhouse Landfill Site	Indicative Facility Scale: 75,000tpa - Biological Treatment Facility  3,000,000m3 – Inert Landfill  Estimated Availability: Between: up to 5-10 years from adoption	Indicative Facility Scale: 75,000tpa - Biological Treatment Facility  <del>3,000,000m3</del> <b>250,000tpa</b> – Inert Landfill  Estimated Availability: <b>Upon adoption (2017). Between: up to 5-10 years from adoption</b>	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.
MAIN	16	Table 11 – Little Bullocks and Crumps Farm, Great and Little Canfield	See 'Appendix 14 - Table 11 Little Bullocks and Crumps Farm, Great and Little Canfield'	See 'Appendix 14 - Table 11 Little Bullocks and Crumps Farm, Great and Little Canfield' <ul style="list-style-type: none"> <li>Site 1 Area and Boundary amended to be consistent with MLP.</li> </ul>	or the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<ul style="list-style-type: none"> <li>● Estimated Availability for Site 3 updated.</li> <li>● Life of Site 2 updated.</li> <li>● Life of Site 3 updated.</li> <li>● Site 2 - Removal of bullet point 1.</li> </ul>	<p>became known during the Examination process.</p>
MAIN	17	Table 14 – Morses Lane, Brightlingsea	<p>See 'Appendix 15 - Table 14 Morses Lane, Brightlingsea' Morses Lane Site Assessment Scores:</p> <ul style="list-style-type: none"> <li>● "3D – Proximity to Sensitive Receptors" – Amber 3.</li> <li>● "3K – Recreation Facilities" – Green.</li> </ul>	<p>See 'Appendix 15 - Table 14 Morses Lane, Brightlingsea'</p> <ul style="list-style-type: none"> <li>● The inclusion of a statement that the facility would be enclosed (bullet point 5).</li> <li>● Additional bullet point regarding the need for new development to not impact on the nearby retail use (bullet point 6).</li> </ul> <p>Morses Lane Site Assessment Scores:</p> <ul style="list-style-type: none"> <li>● "3D – Proximity to Sensitive Receptors" – Red.</li> <li>● "3K – Recreation Facilities" – Amber 2.</li> </ul>	<p>To strengthen the intended protection of amenity, particularly for proximal land uses.</p> <p>Changes to the assessment scores are required to accommodate information raised at the Hearings.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				See MC2 Site Assessment Methodology Report for the site assessment proforma and rationale for allocation.	
MAIN	18	Table 15 – Newport Quarry	See 'Appendix 16 - Table 15 Newport Quarry'	See 'Appendix 16 - Table 15 Newport Quarry' <ul style="list-style-type: none"> <li>Update to the expected form of restoration (bullet point 1).</li> <li>Update to environmental and landscape considerations (bullet point 2).</li> <li>Update to routing agreement (bullet point 6).</li> </ul>	To strengthen the intended protection of local amenity to address the concerns of local residents.
MAIN	19	Table 16 – Rivenhall	Indicative Facility Scale: AD 85,000tpa CHP 360,000tpa	Indicative Facility Scale: AD <del>85,000tpa</del> <b>30,000tpa</b> CHP <del>360,000tpa</del> <b>595,000tpa</b>	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	20	Table 17 – Sandon	Indicative Facility Scale: 40,000 tpa – Inert Waste Recycling Capacity	Indicative Facility Scale: <del>40,000 tpa</del> <b>300,000 tpa</b> – Inert Waste Recycling Capacity	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.
MAIN	21	Table 19 – Sunnymead, Elmstead and Heath Farms	See 'Appendix 17 - Table 19 Sunnymead, Elmstead and Heath Farms'	Inclusion of recycling operations (new allocated at W36) originally allocated at Wivenhoe Quarry (W13). The two operations (L(i)5 and W36) proposed at Sunnymead, Elmstead and Heath Farms are now included within a single table.  See 'Appendix 17 - Table 19 Sunnymead, Elmstead and Heath Farms'  <ul style="list-style-type: none"> <li>Update “Site Allocation For”.</li> </ul>	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.



Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<ul style="list-style-type: none"> <li>Update "Estimated Availability."</li> <li>Update "Life".</li> </ul> <p>New development principles included to reflect the outcome of the assessment process.</p> <p>See MC2 Site Assessment Methodology And Report Addendum for the site assessment proforma and rationale for allocation.</p>	
MAIN	22	Table 20 – Wivenhoe Quarry Plant Area		Removal of the site allocation to reflect that the facility is now included as part of Sunnymead, Elmstead and Heath Farms.	Development at this site is no longer supported by the site operator for operational reasons. Mineral development will cease at this location shortly, and is anticipated to commence at the adjacent Sunnymead location, subject to planning permission. As such, it is intended that the aggregate recycler

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
					be re-located to Sunnymead.
MAIN	23	Table xx <sup>(1)</sup> – Dollymans Farm	Site not allocated at Pre-Submission stage.	Allocation of site See 'Appendix 18 - Table xx Dollymans Farm' for Development Principles and the MC2 Site Assessment Methodology and Report Addendum for the site assessment proforma and rationale for allocation.	To be "positively prepared" it was determined that this site should be added to the Preferred Sites list so that the Plan better seeks to meet the inert disposal needs of the Plan area.
<b>Appendix C - Development Excluded from Safeguarding Provisions</b>					
MAIN	24	Table 21 – Development in Waste Consultation Areas	See 'Appendix 19 - Table 21 Development in Waste Consultation Area'  The original safeguarding table (Table 21) highlighted that all 'change of use' applications were to be included within the scope of	See 'Appendix 19 - Table 21 Development in Waste Consultation Area'  It is proposed to amend the safeguarding table to reduce the range of change of use applications to be included within the scope of Policy 2 to changes of use away from	To remove the need for the Waste Planning Authority to be consulted on applications which are not likely to impact on the operation of waste management facilities.

1 Table numbering to be confirmed prior to Adoption.

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
			<p>Policy 2 – Safeguarding Waste Management Sites and Infrastructure</p> <p>Removal from Table 21 of the row stating that ‘Applications for temporary buildings, structures or uses (for up to five years)’ were to be ‘Included’ within the scope of Policy 2.</p>	<p>B2/B8 uses and changes away from any use class to Category A and Category C uses only.</p> <p>References to safeguarding also applying to temporary applications for development already scoped in has been removed from the table and inserted into paragraph C2 <b>(This is addressed in MAIN 25).</b></p>	
MAIN	25	C2	<p>However, it is neither practicable nor necessary for consultation to occur on all developments proposed through planning applications. The table below sets the developments proposed to be subject to consultation with the Waste Planning Authorities:</p>	<p>However, it is neither practicable nor necessary for consultation to occur on all developments proposed through planning applications. The table below sets the developments proposed to be subject to consultation with the Waste Planning Authorities: <b><u>The development types below include those relating to temporary structures and uses:</u></b></p>	<p>This provides clarity.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
<b>Appendix E - Areas of Search Development Principles</b>					
MAIN	26	Map 51 – Oakwood and Crusader Business Park		Removal of Map as the site is no longer being considered as an Area of Search.	Factual update to recognise that Oakwood and Crusader Business Park is no longer an Area of Search.

## **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.