



Agenda

Planning Committee

Tuesday, 28 June 2022 on rise of Licensing Committee
Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15
8AY

Membership (Quorum – 4)

Cllrs Bridge (Chair), Barber (Vice-Chair), Dr Barrett, Cuthbert, Fryd, Gelderbloem, Jakobsson, Laplain, Mynott, Parker, Wiles and Tanner

Substitute Members

Cllrs Barrett, Cuthbert, Heard, Mrs Hones, Mrs Pearson and Sankey

Agenda

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Live broadcast

[Planning Committee - Live broadcast to start on the rising of Licensing Committee and available for repeat viewing.](#)

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Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
20.06.2022

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

Information for Members of the Public

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

these activities, in their opinion, are disrupting proceedings at the meeting.

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 **Evacuation Procedures**

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



Minutes

Planning and Licensing Committee Tuesday, 15th March, 2022

Membership/Attendance

| | |
|-------------------------|------------------|
| Cllr Bridge (Chair) | Cllr Fryd |
| Cllr Heard (Vice-Chair) | Cllr Gelderbloem |
| Cllr Barber | Cllr Mynott |
| Cllr J Cloke | Cllr Tanner |
| Cllr Cuthbert | Cllr Wiles |

Substitute Present

Cllr Barrett

Also Present

Cllr Lewis
Cllr Lockhart

Officers Present

| | |
|-------------------|---|
| Phil Drane | - Corporate Director (Planning and Economy) |
| Caroline Corrigan | - Corporate Manager (Planning Development Management) |
| Tessa Outram | - Senior Planning Officer |
| Justin Booij | - Senior Planning Officer (Dunton Hills Garden Village) |
| David Carter | - Environmental Health Manager |
| Brendan Johnston | - Strategic Development Engineer, Essex Highways |
| Zoe Borman | - Governance and Member Support Officer |

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

352. Apologies for Absence

Apologies had been received from Cllr Dr Barrett and Cllr Barrett was substitute. Apologies were also received from Cllr Laplain.

353. Minutes of the Previous Meeting

The Minutes of the Planning and Licensing Committee held on 22nd February 2022 were approved as a true record.

354. Minutes of the Licensing Sub Committee 25.02.22

The Minutes of the Licensing-Sub Committee held on 25th January 2022 were approved as a true record.

355. William Hunter House, 10, 12 & 20 Western Road, Brentwood, Essex, CM14 4SR

In accordance with the constitution, this application was referred to committee as the development is of a particularly significant scale on a strategic site within the borough. It has been allocated for redevelopment in the emerging development plan.

The application site is approximately 0.21 hectares in size and located to the north of Brentwood High Street, southeast of Western Road towards its junction with William Hunter Way. The eastern boundary is formed with a yard and car park associated with 'The Swan' public house facing the High Street. The south western boundary is formed with rear gardens of maisonettes (Nos 1-6 Western gardens. The existing site consists of six buildings; comprising two semi-detached houses and an associated outbuilding and four buildings ranging from 2½ storeys to single storey used as offices, comprising 700sqm of floorspace Gardens).

Ms Outram summarised the report.

Members heard from Mr Baker who spoke objecting to the application.

Mr Murray addressed the committee on behalf of the applicant.

A statement from Ms Binns of Walsingham Planning, representing Greene King who own The Swan, was read by the Chair, also in objection to the application.

Cllr Lewis, Ward Councillor, spoke objecting to the application, in particular, towards the size and scale of the development.

Cllr Mynott also spoke in objection to the application.

Cllr Mynott **MOVED** and Cllr Fryd **SECONDED** that the application be **REFUSED**.

The Committee also heard from Mr Carter, Environmental Health Manager, advising that a condition requiring a further study of noise remediation from the Swan Public House would be required to take place in the coming months during the establishment's busy period. Even though insulation and glazing could be used to mitigate noise, he felt potentially that issues could arise from the adjacent use.

Mr Johnson from Essex Highways advised that this type of development caused a minimal increase to the highway network and there was no collision data to report.

Following further discussion Members voted as follows:

FOR: Cllrs Barrett, Cloke, Cuthbert, Fryd, Mynott, (5)

AGAINST: Cllrs Barber, Bridge, Gelderbloem, Heard Tanner, Wiles (6)

ABSTAIN: (0)

The motion to refuse the application was **LOST**.

A motion was **MOVED** by Cllr Wiles and **SECONDED** by Cllr Tanner to **APPROVE** the application.

Following discussion a vote was taken and Members voted as followed:

FOR: Cllrs Barber, Bridge, Gelderbloem, Heard Tanner, Wiles (6)

AGAINST : Cllrs Barrett, Cloke, Cuthbert, Fryd, Mynott, (5)

ABSTAIN: (0)

The application was **APPROVED** subject to conditions as outlined in the report and s106 agreement.

Officers were also looking at 3 other conditions as suggested by Committee:

Restricting resident permit passes

Biodiversity net gain

Location of pub – complaint restriction for future occupiers.

Delegated authority to officers to consult with Chair on whether it would be reasonable/justifiable for these three conditions to be added.

356. Dunton Hills Garden Village Application Update (21/01525/OUT)

This update to members described current progress with the emerging planning policy framework for the redevelopment of the proposed allocation site at Dunton Hills Garden Village, as well as an update on the current outline planning application for the majority part of the land within it.

Dunton Hills Garden Village is the largest single development site in the borough. The development will accommodate substantial housing (4,000 new homes) and employment (5 hectares of employment land and local workspaces, shops and facilities) development in a landscape-led sustainable community that includes the provision of supporting community infrastructure.

Mr Justin Booij was at the meeting and presented an update to Members.

Members thanked Mr Booij for the update and following a full discussion the report was noted.

357. Urgent Business

There were no items of urgent business.

The meeting concluded at 20:50

SITE PLAN ATTACHED

53 CROWN STREET BRENTWOOD ESSEX CM14 4BD

CHANGE OF USE FROM CLASS B1 (OFFICE) TO A SUI GENERIS HMO RESIDENCE (9 X BEDROOM RESIDENCE) SHARED KITCHEN WITH PARKING, AND BIN STORE TO THE REAR (PART RETROSPECTIVE).

APPLICATION NO: 22/00006/FUL

| | | | |
|---|---|-----------------------|---------------|
| WARD | Brentwood South | 8/13 WEEK DATE | 31 March 2022 |
| PARISH | | POLICIES | |
| CASE OFFICER | Ms Tessa Outram | 01277 312500 | |
| Drawing no(s) relevant to this decision: | SITE LOCATION PLAN; 201007_100; 201007_012; 201007_011; | | |

**This application has been referred to the Planning & Licencing Committee by Cllr Gareth Barrett for the following reason:
The proposal proposes an inconsistent density with the property in the local area, new velux style windows create overlooking and a reduction in privacy, and while without clear measurements on the plans available this is not easy to confirm, appears it is not in line with the gross internal area standards for a nine bedroom property (in terms of floor space across the site, in multiple rooms and height in the 2nd floor rooms).**

1. Proposals

Planning permission is sought to convert a former office building into a House of Multiple Occupation (use class: Sui Generis) with 9 bedrooms. The application seeks permission to retain the insertion of two flank windows, serving suites 3 and 6.

While the operational works facilitating the proposed use are understood to have been substantially completed, the use has not commenced.

2. Policy Context

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

Brentwood Local Plan (2016-2033) (BLP):

The Brentwood Local Plan 2016-2033 was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

MG- Managing Growth

BE02 Water Efficiency and Management

BE04 Managing Heat Risk

BE07 Connecting New Developments to Digital Infrastructure

BE11 Electric and Low Emission Vehicles

BE13 Parking Standards

BE14 Creating Successful Places

HP06 Standards for New Housing

3. Relevant History

- 12/01222/FUL: Change of Use from Office (Class B1(a)) to Dental Practice (Class D1) -Application Permitted
- 19/00787/FUL: Add three storey rear extension incorporating undercroft parking and convert Office (Class B1) and HMO into 5 x 1 bed residential flats with parking and bin stores to rear and basement storage -Application Refused
- 20/00634/FUL: Proposed Change of use from Office (Class B1) to create 2 x residential units (Class C3) with parking and bin storage -Application Permitted

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. 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/>

Two representation letters were received objecting to the proposed development summarised as follows:

- Overlooking from 2 flank windows into 1 & 4 Primrose Hill; the size of the windows is questionable as the first floor receives adequate daylight from the veulx windows; the windows are oversized and a different internal orientation would have meant these were not required.

5. Consultation Responses

- **Secure By Design:** HMOs particularly, without the benefit of Crime Prevention Through Environmental Design, can prove to be crime generators. Considered design can mitigate the risk to residents and reduce the risk of crime. There appears to be no reference to security in the documentation provided. Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this development is converted incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED). This reflects sections 92, 112, 119 and 130 of the NPPF.

Good HMO design must adequately control security risks, without compromising fire safety. This is particularly important for a 9 bedroom property with only one exit on the ground floor. I recommend that Essex County Fire and Rescue Service are consulted for a professional Fire Safety viewpoint. It is recommended that dual certificated doors (fire and security) are installed in the property. Secured by Design provides guidance on flat entrance doorsets, which may be useful for this property (*A Guide to Selecting Flat Entrance Doorsets*). The SBD website-. (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

This proposal should comply with the security section of the “Essex amenity standards for Houses in Multiple Occupation” (extract below). This includes security of the external doors, accessible windows and secure cycle storage. Essex Police also recommend that each individual resident has access to securable personal space including lockable cabinets/storage within the shared kitchen area.

I can see no proposals for secure cycle storage within the attached documentation.

Some clarity is required about the dedicated parking spaces. The Design and Access Statement indicates that there are 6 parking spaces allocated for this property. However, although stating that there is one parking space at the front of the property and 5 to the rear, the documentation provided does not clearly illustrate where these spaces are located. Para 1.2 of the Design and Access Statement states that there is a shared access way to the side of the property allowing for shared parking to no's 53 & 55 Crown Street. Which spaces belong to number 53 and which to number 55? Para 3.2 of the Design and Access

Statement states that the bin store is also located to the rear of the property and there are no proposals for a secure cycle store – this could further exacerbate the parking provision issues.

Even if 6 spaces are available, for a minimum 9 person property, this still gives concern. Insufficient parking allocation may lead to disputes between potential residents and an overspill of parking onto the surrounding road network, where there is extremely limited parking; which could also potentially lead to neighbour disputes with existing local residents. Conflict over parking issues is identified as a potential issue in the Essex amenity standards for HMOs.

Clarity would also be appreciated about the proposed usage of the basement area and whether this is to be accessed via the shuttered door at the rear of the property which appears to be less than a full size height.

Pre-planning consultation is always preferable in order that security considerations for the benefit of the intended residents is agreed prior to a planning application. Essex Police would be keen to understand the finer details of the physical security measures of the doors and windows and the provision and security of cycle storage.

Officer comment: refer to Design section for recommendation on conditions / informatives

- **Operational Services Manager:** No comments received at the time of writing this report.
- **Environmental Health & Enforcement Manager:** I refer to your memo in connection with the above-mentioned application and would make the following comments.

A visit was made on 26 January to the premises, and it has been confirmed that additional provision has been made to the kitchen facilities and individual lettings and the works were nearing completion.

The main kitchen has been fitted with two hobs and two ovens (one shown on the plans) and each letting has been provided with a small individual fridge and microwave oven in addition to the main kitchen facilities.

I would therefore have no objections to the scheme as revised but would recommend that the drawings are amended to reflect the arrangements for the kitchen and individual apartments or that a supporting statement to this effect is provided.

- **Highway Authority:** A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

Off-street parking is retained, and the local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, as well as Brentwood's facilities and car parks, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions including: provision of secure cycle parking to EPOA Parking Standards; Residential Travel Information Pack

6. **Summary of Issues**

The main planning considerations for this development would be the principle of a change of use to a residential HMO, the effect on the living conditions of adjacent occupiers; the living conditions of both the existing and future occupiers of the HMO parking provision, design and sustainability considerations.

Background

The lawful use of the building is office space; permission to convert the use of the building to a dental practice was granted under application ref: 12/01222/FUL but never implemented.

Since then and without planning permission, the building was used as an HMO until 2019 when its use returned to that of an office and the Planning Enforcement enquiry (ref: 19/00114/UNLCOU) was closed.

Subsequently, a planning application to convert the office into five residential flats was refused. An application was approved the following year to convert the office into two residential flats under application ref: 20/00634/FUL, however this permission was not implemented.

Principle of Development

Houses in Multiple Occupation (HMOs) play an important role in local housing markets across Essex. Increasingly HMOs are becoming more diverse as housing pressures and costs rise and a wider range of residents seek some form of shared accommodation.

The principle of the conversion of the building to a residential use has been established through the previous permission 20/00634/FUL, in which market evidence was submitted to the LPA, demonstrating that there was little demand for

small scale office space, over larger employment sites such as those in Kings Road. There was also sufficient evidence to demonstrate there was little demand for the unit for office purposes.

Following the adoption of the new development plan 2016-2033; former employment policy (E2) which restricted the use of the unit to an office use have fallen away. The application site is located within Settlement Boundary One but outside of that defined as a designated centre and is therefore not captured by designated area policies PC04, PC06 or PC08.

A change of use from office to residential including that of a HMO, is considered to be in principle acceptable.

Living Conditions of Existing and Future Occupiers

Both the case officer and the Council's Environmental Health Officer have carried out an internal and external site visit as part of this application. The conversion works to create the HMO have been completed. The application has been assessed in line with the *2018 Essex HMO Amenity Standards*. Whilst this document is not adopted policy it provides a starting point for standards of what would be considered acceptable for HMOs and is a more relevant document for HMOs than the national space standards as outlined within policy HP06.

The main kitchen has been fitted with two hobs and two ovens and each suite has been provided with a small individual fridge and microwave oven in addition to the main kitchen facilities. Following the amendments to the plans the Council's Environmental Health Officer is satisfied with the size of the HMO and its living standards in respect of its kitchen facilities.

Each unit is provided with a private ensuite and shower, there are no shared bathroom facilities. This arrangement is considered acceptable.

In terms of bedrooms, all suites exceed the minimum size requirements for a room for sleeping where there are shared kitchen facilities but no shared living facilities, in line with the Essex HMO guidance standards (2018). A condition is required to prevent dual occupancy of the suites as a majority of the bedrooms are not of a size that can accommodate two people nor can the kitchen facilities provide adequate provision for more than 9 occupiers.

Suites labelled 3 and 6 are the two rooms where windows have been inserted, the subject of an enforcement enquiry. Whilst the windows are not positioned directly to the rear of No.1 Primrose Hill they would produce views directly into No.1 Primrose Hills shallow rear garden from both ground and first floor, due to the elevated land levels, which would lead to issues of material overlooking and a loss of privacy.

No.55 and 57 Crown St adjacent to the development site comprise an office building and therefore any amenity area here is not afforded the same protection as a private residential amenity space.

The new flank windows could be conditioned to be obscure glazed, which would prevent overlooking to the neighbouring occupiers of No.1 Primrose Hill. However, it is good practice that all habitable rooms are provided with adequate light, ventilation and outlook to provide a good standard of living accommodation for the future occupiers of the HMO suites. The Essex HMO standards 2018 also comment that bedsit rooms that do not have access to shared communal living space are expected to have an external view, not just a skylight view.

Therefore, whilst obscuring the windows would still provide light and ventilation to suites 3 and 6, these rooms would not be provided with any outlook as a result of the internal subdivisions of the rooms to provide bathrooms.

Having undertaken an internal site visit, it is evident that the suites comprising the bedroom and bathroom act as 1 contained unit for each of suites 3 and 6, and are finished to a high standard. The occupiers of both the ground and first floor suites have access to an unobscured bathroom window, that by way of their westerly position and elevated floor level are not overlooked and provide outlook to the west.

Suite 6 is provided with an existing large rooflight that provides good light levels to the bedroom and suite 3 has high level windows in the bedroom to provide good light levels.

Therefore, the best outcome would be to remove the new flank window added at first floor, at this results in a heightened loss of privacy and a level of perceived overlooking to No.1 Primrose Hill and to obscure the ground floor flank to limit views to No.1 Primrose Hill, but to ensure the room is provided with adequate light.

As a result of the existing rooflights and unobscured bathroom windows, this solution would not be detrimental to the future occupier of suites 3 and 6, as they would still be provided with adequate light, ventilation and outlook to a satisfactory level.

The drawings have been amended at the request of the LPA, in line with the above and as a result the proposed development would not result in any material overlooking or loss of privacy to No.1 Primrose Hill and the HMO suites are considered to provide a good standard of accommodation for the future occupiers.

The revised plans detail provision for cycle and refuse storage to the rear of the building. A condition is required for further details of the stores, but this arrangement is acceptable in principle. Policy HP06 requires all residential development to have access to amenity provision. Whilst none is provided, this is a small urban site and a shared communal space for a large HMO would likely not be well used. The site has direct access to public open space and therefore the lack of amenity provision is acceptable for this type of development in this location.

In summary, following amendments, the HMO is considered to be of a high standard and quality, the communal kitchen area is large enough and adequate for the number of occupiers and each suite is of an appropriate size and design to adequately serve the occupiers of the HMO and would meet the requirements outlined with the Essex HMO Guidelines. The development would also not amount to adverse impacts on the living conditions of neighbouring occupiers.

Design Considerations

Aside from flank fenestration alterations no external alterations are proposed to the building. As a result, the development would not amount to any material impact on the character and appearance of the surrounding area.

The comments of the secure by design officer (SBD) largely relate to parking, cycle storage and the use of the basement. Matters in respect of parking are covered in the report below. A condition is required regarding details of the cycle and refuse store. The basement is being used for plant/boiler and cctv and is only accessible by the landlord of the building. A condition is recommended to limit the use of the basement to this effect. An informative has also been added regarding security in line with the SBD Officer's comments and Essex HMO guidelines. Matters relating to fire safety are assessed under building control legislation.

The proposal would accord with local policy BE14.

Sustainability considerations

The proposal is for a change of use and would not result in any material impact upon surface water drainage or lead to increased flood risk elsewhere. The proposal is for a conversion and therefore adaptations in terms of heat risk are limited. In order to ensure the proposal provides compliance with the other sustainability policies aims and objectives within the adopted local plan 2016-33, conditions are recommended to provide further information and if necessary, mitigation.

The proposal is considered to comply with the aims and objectives of policies BE02, BE04, BE07 of the BLP.

Parking and Highway Considerations

The site is within a highly sustainable location within walking distance of Brentwood Town Centre, Brentwood Station and other public transport facilities. Four existing parking spaces are available to the HMO, with capacity for two additional spaces to the front of the building. A cycle storage area is also proposed, a condition is required for further details to be submitted and agreed. The development would accord with the adopted parking standards and is in compliance with local policy BE13. A condition can be attached to make sure infrastructure is made available for electric car charging points in line with the requirements of BE11. The highway condition recommended for storage materials is not required as the development is materially complete.

Conclusion

In summary the proposed development complies with local and national planning policy and is recommend for approval, subject to the conditions outlined below.

7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 MAT03 Materials to match

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

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

4 Limitation of Occupancy

The HMO hereby permitted shall not be occupied by more than 9 persons and no more than one person shall occupy any of the 'suites' as shown on the approved drawings.

Reason: To ensure that appropriate living conditions are maintained and to avoid issues of overcrowding.

5 RESL04 No PD for windows etc

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

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

6 Details of cycle and refuse store

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

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

7 Basement not for HMO Use

This permission relates to the approval of a HMO on the ground, first and second floor of the building. The basement as shown on approved drawing shall only be used for the storage of plant and CCTV and accessed by the landlord or owner of the building and shall not be accessible or used by occupiers of the HMO for any purposes, unless approved in writing by the local planning authority.

Reason: To safeguard the future occupiers of the development to ensure adequate living conditions are provided.

8 Electric Car Charging

Prior to first occupation, the proposed development shall be provided with, as a minimum, the space and infrastructure required to provide electric vehicle charging/plug-in points in the proposed car parking spaces for the future occupants of the building.

Reason: In order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.

9 Sustainability - water efficiency

The proposed building shall not be occupied until details of:

- measures to ensure that the building does not exceed 110 litres per person per day;
- measures to provide wastewater infrastructure capacity;
- measures to achieve lower water consumption rates and to maximise futureproofing;
- measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
- measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the Local Planning Authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

Reason: in order to ensure that the proposed development incorporates the sustainable principles in relation to policy BE02 of the Brentwood Local Plan.

10 Digital Infrastructure

The proposed buildings shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the building.

Reason: In order to ensure that new developments are connected to digital infrastructure in accordance with policy BE07 of the Brentwood Local Plan.

- 11 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

12 Obscure Glazing – (on drawings)

The windows identified on the approved drawings as being obscure glazed shall be:- a) glazed using obscured glass to a minimum of level 3 of the " Pilkington " scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable.

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

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF04

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

3 U0008628

The following Development Plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE02, BE04, BE07, BE11, BE13, BE14; HP06; as is the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG).

4 INF22

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

5 U0008630

This consent is only in relation to the town and country planning act. Other legislation may be applicable for which consent is required, such as licensing. The applicant is required to contact the Council's Environmental Health Department to ensure an appropriate licence is sought for the HMO. It is the duty of all parties to ensure compliance with all laws.

6 Secure by Design

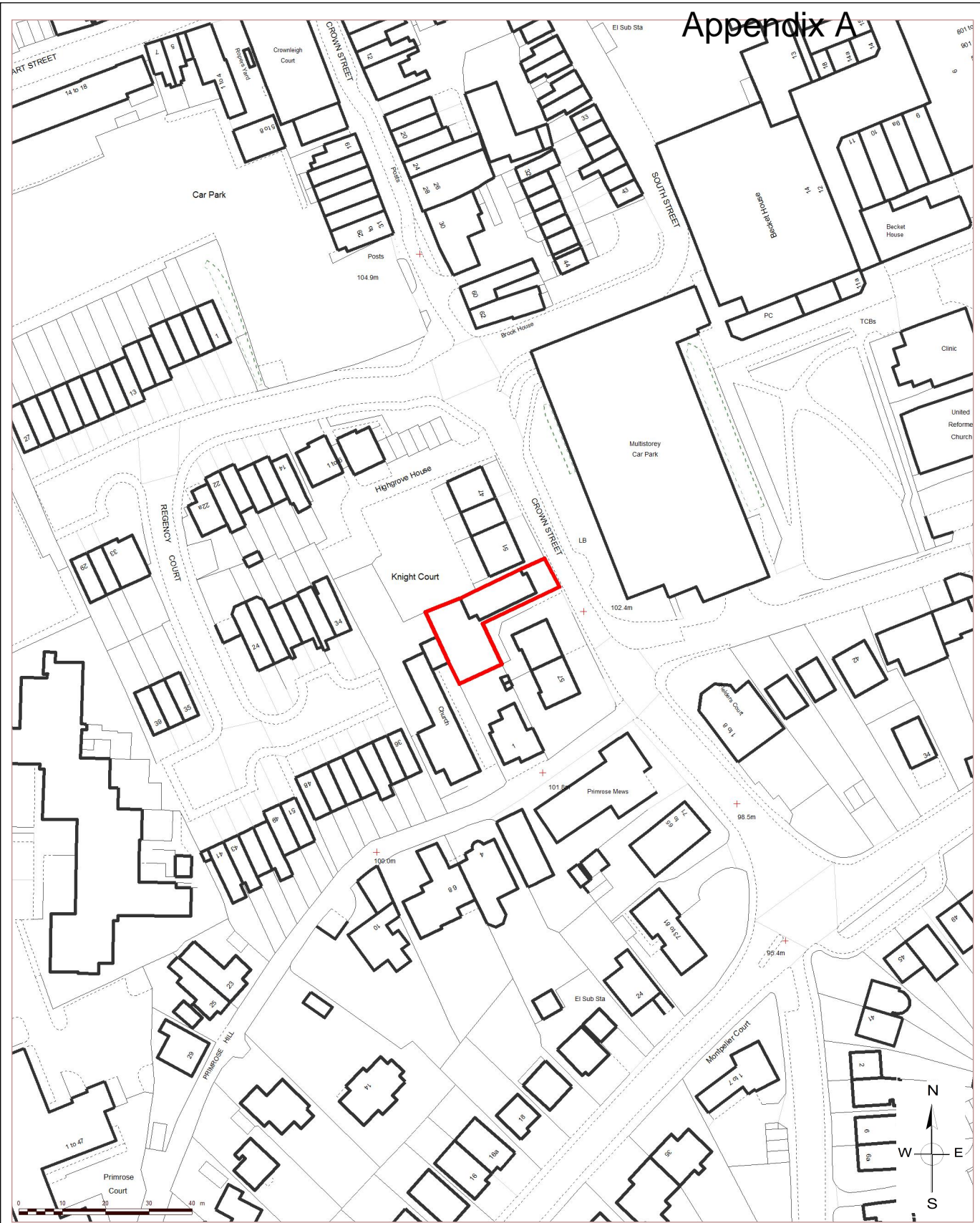
This proposal should comply with the security section of the "Essex amenity standards for Houses in Multiple Occupation" (extract below). This includes security of the external doors, accessible windows and secure cycle storage. Essex Police also recommend that each individual resident has access to securable personal space including lockable cabinets/storage within the shared kitchen area.

It is recommended that dual certificated doors (fire and security) are installed in the property. Secured by Design provides guidance on flat entrance doorsets, which may be useful for this property (*A Guide to Selecting Flat Entrance Doorsets*). The SBD website- (<https://www.securedbydesign.com/guidance/design-guides>) provides full details.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : 53 Crown Street, Brentwood, Essex CM14 4BD

22/00006/FUL

Scale at A4 : 1:1250

Date : 28th June 2022

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



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SITE PLAN ATTACHED

**HAVERING GROVE FARM 552A RAYLEIGH ROAD HUTTON BRENTWOOD ESSEX
CM13 1SG**

**DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND HARDSTANDING
AND CESSATION OF OUTSIDE STORAGE USES AND REPLACEMENT WITH
CONSTRUCTION OF FOUR RESIDENTIAL DWELLINGS TOGETHER WITH
ASSOCIATED LANDSCAPING AND ACCESS.**

APPLICATION NO: 22/00047/FUL

WARD Hutton East **8/13 WEEK
DATE** 15 April 2022

**Extension of
time** 1 July 2022

CASE OFFICER Julia Sargeant

**Drawing no(s)
relevant to this
decision:** DW2018-372; DW2018-372-E BUILDING A; DW2018-372-E
BUILDING B; DW2018-372-E BUILDING C; DW2018-372-E
BUILDING D; DW2018-372-F1; DW2018-372-FG; 002.00;
311.03 TYPE 2; 001.00; 310.03 TYPE 1; 313.00;
312.04 TYPE 3;

This application is presented to Committee for determination as it has been referred by Cllr Olivia Sanders for the following reason: Havering Grove Farm is a farmstead with a mixture of buildings. Due to cessation of these storage buildings a proposed development of four residential units is proposed. These buildings will be constructed on the current hard standing therefore the green belt will not be harmed. It will vastly improve the appearance of the site given what is there currently. The associated landscaping will also help to enhance the area. As this proposal will see homes built instead of commercial storage, there will be a reduction in traffic movements on this small section of Rayleigh Road which will definitely be of benefit to the residents who live either side of the farm.

1. Proposal

Site Description

The application site is located to the north of Rayleigh Road outside of the settlement of Hutton and at the edge of Havering's Grove.

The site comprises a number of metal corrugated barns, a large area of hardstanding and appears to also be used for outside storage along with the storage of shipping containers. To the north and east of the application site is open farmland, to the south is 'The Cottage' 552a Havering Grove Farm as well as the main 552a residence. To the west of the application site is Ellices Farm, No 552 Rayleigh Road, which is a Grade II listed property.

Within the application site itself and located towards the southern boundary is part of a building known as 'The Annexe' which has had permission established via S191 for the reuse of the existing barns/stables for one residential dwelling (18/01909/S191).

Under 20/00824/PNCOU (permitted development change of use) dated 29.01.2021 there is permission for conversion of two of the existing buildings on the site into 4 dwellings with associated landscaping and access works. When the site was visited it was clear this application had not been implemented, but still remains extant.

The planning history indicates that there have also been a number of enforcement investigations at the site.

Proposed development

Planning permission is sought for "*demolition of existing commercial buildings and hardstanding and cessation of outside storage uses and replacement with construction of four residential dwellings together with associated landscaping and access.*"

The four dwellings would be detached four bedroom properties individually designed, whilst using the same palette of materials to achieve an overall cohesive approach to the development. There would be three house types and would have a range of overall ridge heights of between 7.3 metres to 9.6 metres.

Access to the site would be as existing with new landscaping proposed to the front and rear of the dwellings.

The four proposed dwellings would be spaced north to south across the site roughly in line with the existing buildings. Each dwelling would have a large front garden as well as a large rear garden and a detached garage.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are most relevant to this application:

- MG01 – Managing Growth

- MG02 – Green Belt
- BE01 – Carbon Reduction and Renewable Energy
- BE02 – Water Efficiency and Management
- BE03 – Establishing Low Carbon and Renewable Energy Infrastructure Network
- BE04 – Managing Heat Risk
- BE05 – Sustainable Drainage
- BE07 – Connecting New Developments to Digital Infrastructure
- BE11 – Electric and Low Emission vehicles
- BE12 – Mitigating the Transport Impacts of Development
- BE13 – Parking Standards
- BE14 – Creating Successful Places
- BE16 – Conservation and Enhancement of Historic Environment
- HP01 – Housing Mix
- HP03 – Residential Density
- HP06 – Standards for new Housing
- NE01 – Protecting and Enhancing the Natural Environment
- NE03 – Trees, Woodlands, Hedgerows
- NE09 – Flood Risk
- NE10 – Contaminated Land and Hazardous Substances

Relevant National Planning /Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide (NDG)

3. Relevant History

There is significant planning history at the site, that relevant to this application as shown below:

- 10/00011/S191 - Certificate Of Lawfulness For An Existing Use (S191): Laying Of Hardstanding, Storing Of 10 Containers, Erection Of Light Poles For Menage – Part Refused Part Approved - 14.04.2011 (Hardstanding element refused, use of the land for the storage of 10 containers in connection with the livery and farming use considered not to amount to a material change of use of land, and erection of four lighting columns substantially completed more than 4 years before date of application).
- 18/01909/S191 - Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition for building and curtilage which is currently being used as a dwelling house (C3). – Lawful - 07.02.2019

- 20/00824/PNCOU - Conversion of 2no barn buildings into 4no dwellings, including landscaping works and provision of new 6.0m wide shared surface road to provide access for future occupiers – Grant Prior Approval - 29.01.2021

4. Neighbour Responses

Letters of objection have been received. The main reasons for objecting are summarised below:

- Access is via a small service lane which is already over capacity.
- The addition on 4 large dwellings would overwhelm this previously quiet access road.
- Access lane is narrow and access into Rayleigh Road at either end has limited view.
- Concern over conversion of green belt land.
- Commercial buildings referred to for conversion were previously hay barns on working farmland.
- Current unrestricted access for neighbours to fields to the rear of the site is not shown on the plans.
- Concern that the commercial businesses and containers will be moved to the remaining fields.
- Concern that this development will be first step in getting the rest of the farmland converted to residential.
- How will remaining buildings and acres of the farm be accessed? Will new access roads be built?

5. Consultation Responses

- **ECC SUDS/LLFA:**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions requiring a detailed surface water drainage scheme, a maintenance plan detailing maintenance arrangements; a maintenance plan to include yearly logs of maintenance; and until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition

- **Historic Buildings and Conservation Officer:**

Application site is located within the wider setting of the Grade II listed building of Ellices (List IUD List UID: 1297247).

The submission is accompanied by a Heritage Assessment which concludes the proposals would not result in an adverse impact upon the setting of the Heritage

Asset, it goes further to state that there would be a degree of 'improvement', this I do not agree with.

From my own assessment I advise as the proposals would not have indirect impact to the detriment of significance, and given the degree of separation and limited intervisibility, the impact is neutral (not positive).

However, this is an agrarian context which in the wider sense, is a contributor to setting, therefore urban encroachment outside of previously developed land within the Metropolitan Green Belt could alter the wider countryside setting to its detriment. It is for the LPA to determine the degree and extent of previously developed land (PDL).

In summary, I find the proposals on the basis of the information before me would result in neutral impact.

- **Arboriculturalist:**

The site is located to the rear of existing residential properties fronting onto Rayleigh Road. It contains a line of commercial/agricultural buildings, a larger standalone building and areas of hardstanding and open storage. The buildings are of a metal construction and of no amenity value.

The main trees and hedges are on the northern and western boundaries with some smaller young trees around the grassed area on site. The arboricultural assessment recorded a line of veteran oak pollards on the northern boundary, some of were assessed as Category A. These had areas of hardstanding well within their root protection areas. The report proposes that as part of the scheme this hardstanding would be carefully removed and the ground de-compacted prior to being incorporated into the landscape scheme. It is agreed that this would be a positive benefit to these veteran trees.

A total of nine small trees within the site would require removal. These are attractive, category B trees however they are not visible outside the site. Their removal would not have a significant amenity effect and there would be scope to provide replacements as part of the landscape scheme.

If permission is granted I would request an arboricultural method statement to be provided to provide detail of measures to protect existing trees during construction and specific management requirements for the veteran trees. This can be conditioned.

Views into the site are restricted by existing development, vegetation and topography. The scheme would replace the existing buildings with houses that are of a similar height but significantly smaller volume and footprint. This would enable good-sized gardens to be provided which can include suitable replacement tree

planting to mitigate for the loss of the nine existing trees. It is agreed that the development is likely to have beneficial effects on landscape character and visual amenity.

The ecological appraisal confirms that the existing site has low ecological value due to the extent of the existing hardstanding and commercial buildings. The appraisal has undertaken a biodiversity net gain assessment which shows that the scheme could achieve a significant improvement to the biodiversity value of the site. It is considered that without the final landscape scheme it is difficult to confirm the figures, but it is certain that it would be greater than 10% net gain. While there is no evidence of protected species on site there is potential for badgers to pass through the site and therefore if permission were granted I would request that an appropriate precautionary method statement be incorporated into a CEMP. This can be achieved through condition.

A detailed landscape condition should be required by condition. This should incorporate the recommendations of the arboricultural assessment and biodiversity appraisal to ensure the necessary benefits. Subject to the conditions identified above I have no objection to the proposal on landscape or ecology grounds.

- **Highway Authority:**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal will utilise the existing shared access. Adequate space for parking and turning is included for each dwelling, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the conditions, cycle parking provision; residential travel information pack to be supplied by the developer.

- **Environmental Health & Enforcement Manager:**

I refer to your memo in connection with the above-mentioned application and would make the following comments.

CONDITIONS

A condition should be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

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

completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

o Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

o Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;
Monday-Friday.....08.00-18.00
Saturday.....08.00-13.00. No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

o All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

o Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

o Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

o Radio noise should not be audible at the boundary of the nearest neighbouring property.

o Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

- **Essex Badger Protection Group:**

The consultation includes comments on matters relating to protected species and in accordance with current advice these detailed comments are not in the public domain. However, the group raises no objections to the proposal subject to conditions relating to updating survey information and provision of mitigation measures.

- **Operational Services:** No response at time of writing report.
- **Bats - Mrs S Jiggins:** No response at time of writing report.
- **Essex Wildlife Trust:** No response at time of writing report.

6. Summary of Issues

The Principle of the Development (Conformity with Planning Policies)

The planning authority is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).

The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives.

As detailed above The Brentwood Local Plan 2016-2033 is the Development plan for the borough and the main relevant policies in relation to this application are listed above and although these should not be read in isolation, they are the most relevant to this application. Of particular relevance is policy MG02 which relates to Green Belt. The location of the site within the Green Belt is a key consideration of the principle of the development, as detailed below. The site is in the greenbelt which washes over the locality and continues to some distance away from the site. This is shown on the map that accompanies the local policies map.

Green Belt Considerations

The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out the five main purposes of the Green Belt:

- i. to check the unrestricted sprawl of large built-up areas;
- ii. to prevent neighbouring towns merging into one another;
- iii. to assist in safeguarding the countryside from encroachment;
- iv. to preserve the setting and special character of historic towns; and
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Green Belt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to attractive countryside as to less attractive areas of Green Belt.

Strategic Policy MG02 of the Brentwood Local Plan seeks to prevent inappropriate development of the Green Belt stating that all development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy (as set out in the NPPF).

Paragraph 149 of the NPPF states that "*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*" However, it does

go on to give a list of exceptions to this and one that is potentially relevant to this application is:

“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or*
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

This case does not represent limited infilling. It does not relate to affordable housing so the last bullet can be disregarded.

Within the planning statement submitted in support of the application the applicant puts forward the case that *“the proposals are to redevelop previously development land in such a manner and scale which would not have a greater impact on the openness of the Green Belt than the existing development in accordance with the exception contained in paragraph 149 g of the NPPF.”*

It is therefore important to the consideration of this application to consider how much, if any, of the application site constitutes previously developed land. The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

Within this definition land that is or was last occupied by agricultural buildings are excluded. It is noted that this application states that: *“The application site is currently developed with a number of substantial commercial buildings. The commercial buildings are variously in use or have been in use until recently. The immediately adjacent and extensive hard standing is used for vehicle circulation, unloading and parking, external storage and commercial activities. A large part of the hard standing currently accommodates temporary shipping containers used for storage and various business activities.”*

When the site was visited, access could not be gained to any of the buildings, however it was evident that the surrounding area was being used for storage purposes with several commercial vehicles present and a large number of shipping containers. However, from looking at the planning history it can be seen that under consideration of 20/00824/PNCOU – an application for *Change of Use of Agricultural Buildings to Dwellinghouses (Class C3)* - the officer was advised that the buildings were in agricultural use stating the following within the report:

“The applicant states that the building has a history of agricultural use including the storage of crops and machinery dating back beyond 20th March 2013. The applicant also states that the subject buildings have not had any intervening uses during this time. BBC have no evidence to the contrary. It is noted that containers have been placed to the rear of the subject buildings which facilitate the storage of goods for multiple businesses. These containers do not benefit from planning permission and are subject to enforcement investigation. These containers do not form part for this proposal which can proceed to determination. It should be noted that the agent anticipates removal of these containers in order to provide private amenity space as indicated on the proposed block plan.”

The effect of a successful prior notification application is not a determination that such a development is lawful, merely whether prior approval of the matters listed in the development order is required.

Furthermore, at the time of the submission of 20/00824/PNCOU the existing site plan only showed two main buildings. In comparison the site plan submitted in support of this application shows a much longer range of buildings. No planning history for the erection of these further buildings can be found and aerial views of the site show a mixture of buildings there historically, then removed (from at least 2011 – 2017) and not there until 2018.

From the evidence available to the planning authority it appears that the last lawful use of the majority of the site was agricultural and it *does not* therefore constitute previously developed land. It may be that some commercial use has taken place on the site but this does not appear to be lawful, and no lawful development certificate has been sought in this respect. It is accepted that some parts of the site may constitute previously developed land (the annexe) however this is a relatively small proportion, and the majority of the site would not.

Therefore, whilst a small proportion of the site may comprise previously developed land (where the exception in paragraph 149 g) above would be relevant) the majority of the site would not fall under exception criteria.

Therefore, for the majority of the site that is not previously developed land the proposal would represent inappropriate development as it does not fall within any of the exceptions listed in NPPF paragraph 149. For the small section of the site that would comprise previously developed land the proposal would still represent inappropriate development as the proposal would have a much greater impact on

the openness of the Green Belt than the annexe building that has lawful use as a dwellinghouse. The proposal therefore represents inappropriate development in the Green Belt.

As the proposal represents inappropriate development in the Green Belt its acceptability is completely reliant on there being very special circumstances which would warrant approval of the application. Two paragraphs in the NPPF are particularly relevant in this regard:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. *‘Very special circumstances’ will not exist unless the potential harm to the Green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”

The last sentence is particularly worthy of note. Very special circumstances cannot exist unless they clearly outweigh the harm to the Green Belt by reason of inappropriateness, along with any other harm resulting from the proposal, which is a much higher threshold than an ‘on balance’ judgement.

The applicant has put forward the following arguments (summarised):

- Two of the existing buildings on site were the subject of a successful Prior Approval application.
- Development will make a contribution towards 5YHLS deficit.
- Delivery of well-designed homes based on principles of good, sustainable and inclusive design.
- Proposal will achieve a net gain to biodiversity.
- Delivery of new homes in a sustainable location.
- Improvements to residential amenities in immediate area.
- Improvements to visual amenities in immediate area.
- Effective use of previously developed land.

It is acknowledged that two of the buildings can be converted to 4 residential dwellings and this is a realistic fallback position as the permission granted by the Permitted Development Order is still live and there is time for it to be implemented. However, this relates to the conversion of two agricultural buildings under permitted development rights and was only considered against class Q of the General Permitted Development Order and not against all material planning considerations or the development plan. For example, green belt is not a relevant factor for prior notification applications but is a very important issue for a planning application. Under the 20/00824/PNCOU change of use the external dimensions of the buildings would not alter and whilst they would change in appearance they would still retain an industrial/agricultural aesthetic.

This planning application proposal would result in the introduction of four, large, detached dwellings spread across the length of the application site and the plans show detached garages for each dwelling.

In terms of impact upon the Green Belt the essential characteristics of the Green Belt are its openness and permanence. It has been established that openness has both a spatial and visual aspect, the former often being taken to mean the absence of built form. The NPPG acknowledges this approach and further guides that 'duration and remediability' and 'the degree of activity likely to be generated' are also relevant considerations when assessing openness.

It is necessary therefore to have regard to the existing development, uses and activities on the site when assessing whether the proposal would cause substantial harm to openness and the visual effects in any particular case are matters of planning judgement. In this case, it is considered that both spatial considerations, which include (but are not limited to) changes in footprint, floor space, height and volume, and matters relating to visual impact are therefore relevant.

It is acknowledged that at present the site consists of a number of buildings, as well as hardstanding and outside storage alongside a substantial number of shipping containers. It therefore cannot be said to be open, however as detailed above it is also not considered to all represent previously developed land, and a number of the uses and shipping containers appear to be unlawful. A previous enforcement case on the site was closed after the granting of 20/00824/PNCOU as the implementation of this consent would result in the unauthorised development and storage uses falling away. However, as this has not been implemented it appears that unauthorised development and use(s) may still be taking place and a new enforcement investigation has been opened (22/00024/UNOPDE). Carrying out and then removing unauthorised uses/buildings cannot be used to justify inappropriate development in the Green Belt. The applicant's calculations in terms of footprint and volume are therefore not accepted.

In terms of the spatial aspect, there would be a significant reduction in the openness of the Green Belt by virtue of the proposed dwellings being larger in both quantum, height and volume than the existing lawful buildings on site, and the development granted under 20/00824/PNCOU.

The development granted under 20/00824/PNCOU (relating to the conversion of lawful buildings on site) would result in an overall built footprint of approx. 429m² and this current proposal would result in an overall built footprint of approx. 660m² which is an increase of 54%. In terms of volume the development granted under 20/00824/PNCOU would have an overall volume of 2,106 m³ and this current proposal would result in an overall volume of 3,251 m³ which is also an increase of 54%. It should be noted that whilst no detailed elevations or floorplans of the proposed garages have been submitted (and could be conditioned) the submitted

street scene and site layout plan provides the height and overall volume calculations. This is a significant increase in footprint and volume compared with the fallback position and the lawful buildings on site.

In terms of the visual aspects this application has been supported by a Landscape and Visual Assessment on behalf of the applicant. Within the assessment this report states *“The site is currently degraded, the area of storage and hardstanding is not a positive feature within the Green Belt. The existing farm buildings are not historic in character with modern metal cladding. Given the degree of enclosure and lack of visibility from the street and the countryside, the replacement of the existing barns with somewhat taller dwellings which reflect the surrounding built form is not deemed to be detrimental to the character of the Green Belt.”* And that *“The replacement of the hardstanding and removal of the storage uses and associated activity to be replaced with gardens, hedgerows and tree planting, is deemed to be an enhancement to the character and quality of the Green Belt. Overall it is assessed that the proposal would result in a minor beneficial effect on the character and quality of the Green Belt.”* However as indicated above it appears that a number of the uses currently being undertaken are unlawful and that the last lawful use of the site was agricultural which is excluded from the definition of previously developed land. Removal of unauthorised development and/or uses cannot be used to justify inappropriate development within the Green Belt. Furthermore, the overall height of the proposed new dwellings is higher than the existing built form (the dwellings will be between 7.3m to 9.65m and the existing buildings are between 4m to 6.3m tall) and whilst the site is relatively well contained they would be visible from the drive on the Rayleigh Road frontage.

In terms of duration, remendability and activity some of the existing uses at the application site appear to be unauthorised and would be likely to result in a number of vehicle movements. The current proposal would be a permanent development and would also result in additional movements to and from the site.

It is noted that the agent refers to the Council's current five year housing land supply position as an argument in favour of this proposal. However, since this application was submitted the Council has adopted the Brentwood Local Plan 2016-2033 and is able to demonstrate a five year housing land supply. It is acknowledged that the Council currently fails the Housing Delivery test and therefore paragraph 11d and the presumption of sustainable development still applies for housing developments within the Borough. However, the NPPF lists specified protected areas, such as Green Belt that are not subject to a permissive approach to boosting housing supply (para 11) as protection of the Green Belt provides a strong reason to restricting development itself. Therefore, the contribution to housing land supply does not provide a justification for approving inappropriate development in the Green Belt, regardless of design or context.

Summary of Green Belt Considerations

Overall, it is considered that the proposal would represent inappropriate development of the Green Belt As it would not comply with any of the exceptions set out in paragraph 149 of the NPPF. The arguments put forward by the applicant in support of the application have been carefully considered however it is not considered that they would constitute very special circumstances and the harm to the Green Belt, would not be clearly outweighed.

The spatial impact by way of increases in volume, height and massing of the development cannot be ignored. There would also be an increased visual impact of the development which would be taller and spread across sections of the site that are not considered to constitute previously developed land.

Therefore, the scheme would be inappropriate development in the Green Belt and would result in a substantial impact on the openness of the Green Belt and would partially encroach into countryside contrary to one of the five purposes of the Green Belt.

Traffic Impact, Access and Car Parking

The existing vehicular access to the site is to be retained with a new access road created within the site to serve the proposed dwellings. Each dwelling would have a detached garage as well as a large driveway for parking.

Essex County Council Highways have been consulted on this application and advise that the proposal would utilise the existing shared access. Adequate space for parking and turning is included for each dwelling and therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions detailed in their consultation response above.

Full details of the garages, along with cycle parking, provision of EV charge points and a construction method plan could be dealt with via planning conditions. Overall, it is considered that the proposal is acceptable in terms of highway access, parking and highway safety.

It is appreciated that letters of representation have been received raising concerns over the access road and its ability to deal with traffic from the proposal, however the vehicular access point is as existing and would not change as part of this proposal. It must also be noted that there is a realistic fallback position which would allow four dwellings on the site (albeit smaller) under 20/00824/PNCOU and the vehicular movements generated from this compared to the current proposal would be similar.

It is noted that a letter of representation raised concerns regarding a right of access to their land to the north of the site. Following on from this the agent submitted a revised block plan which shows the access gate retained to allow access to the

neighbours land. Whilst rights of access are not a planning matter the revised plan does make the retention of the access clearer.

Impact Upon Ecology and Biodiversity

Paragraph 174 of the NPPF states that “*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*”

Policy NE01 of The Brentwood Local Plan deals with the protection and enhancement of the natural environment seeking biodiversity net gain where possible.

The application has been supported by a Ecological Assessment as well as a Biodiversity Net Gain (BNG) assessment. The Ecological Assessment advises that the site has the potential to be used by hedgehogs, bats and breeding birds and the BNG assessment concludes that BNG of 72.4% can be achieved. The Council’s ecology consultant considers that that without the final landscape scheme it is difficult to confirm the figures, but it is likely that it would be greater than 10% net gain.

In terms of bats the assessment states that the mature oaks on the northern site boundary are the only suitable roosting habitat on site. The proposal would not impact upon these trees and suitable lighting could be dealt with via a condition.

The Essex Badger Protection Group have been consulted on this application and requested that confirmation is sought from the applicant that the area has been surveyed within the last 12 months and the results are identical to those given in the ecological assessment, which whilst dated December 2021 the original survey took place in May 2020. The agent has responded to this request confirming that whilst the report was updated in December 2021 the original survey took place in May 2020. The agent accepts that given badgers are transient animals and behaviours can change a condition for an updated badger survey within 3 months of commencement is suggested. This is in line with the response from the Essex Badger protection Group who advise that should the survey be out of date and updated survey be conditioned as part of any permission granted.

Overall, it is considered that subject to appropriate planning conditions the development is acceptable in terms of ecology and biodiversity.

Design and Heritage Considerations

Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built

environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The National Design Guide is also relevant to the consideration of this application and illustrates the Government's priorities for well-designed places.

Policy BE14 of The Brentwood Local Plan seeks to ensure that all development proposals meet high design standards and deliver safe, inclusive, attractive and accessible places. As the application site is located within the wider setting of a heritage asset Policy BE16 is also relevant to the consideration of this application.

The application site relates to an old farmstead and is located at the edge of Havering's Grove. The site currently contains a number of corrugated metal sheds, areas of hardstanding, outside storage and shipping containers. There is also an area of mown grassland towards the western boundary of the site.

The proposal would remove all existing buildings, hardstanding, storage uses etc and replace with four detached dwellings with garages and associated amenity space and access. The dwellings are all of a traditional design, with three house types proposed utilising an EDG palette of materials such as red brickwork and black cladding. The use of timber detailing with bay windows and gable front projections would add to the traditional appearance of the dwellings and provide articulation and interest to the buildings. Overall, there is no objection to the design or appearance of the dwellings which would sit comfortably within the plot.

The heritage asset Ellices Farmhouse which is Grade II listed is located to the immediate west of the application site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The application has been supported by a Heritage Statement which concludes that the proposal would bring about an enhancement within the setting of Ellices Farmhouse through the removal of hardstanding, reduced and relocated parking, along with the introduction of soft planting and increased green space. The Council's Historic Buildings and Conservation consultee has been consulted on this application and advises that they do not agree that the proposal would result in any improvement to the setting of the listed building. They advise that as the proposals would not have indirect impact to the detriment of significance, and given the degree of separation and limited intervisibility, the impact is neutral (not positive).

It is considered that historically Ellices Farmhouse was connected with farming and agriculture and agricultural barns, albeit modern ones, are not in themselves harmful to its setting. However, given the distances between the listed building and the proposed dwellings it is considered that the development would have a neutral impact upon this designated heritage asset and would therefore comply with local and national policy.

Impact on Residential Amenity

There are a number of residential dwellings located adjacent or close to the application site. In terms of the proposed use the development of the site for four residential dwellings would not result in any significant vehicle movements over and above an agricultural use and would not result in any materially harmful impacts due to noise or disturbance. It is noted that a letter of objection has been received from a nearby resident raising concerns over the access arrangements and impact of vehicle movements, however there is a lawful fallback position for 4 dwellings, and the proposal would not be material in terms of vehicle movements compared with the lawful use of the site.

In terms of potential for overlooking, overbearing impact and material loss of light the dwellings are positioned far enough away from neighbouring dwellings to ensure that no materially harmful impacts would occur. Furthermore, internally within the development there is sufficient spacing between the dwellings to ensure that no overlooking would occur.

Overall, it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with the guidance set out within the Essex Design Guide as well as Local Plan Policy BE14 (i and j).

Private Amenity Space and Landscaping

For development comprising family dwellings of four bedrooms the Council generally expects to see provision of private amenity space of 100m² per dwelling. This proposal would significantly exceed this standard with each dwelling benefiting from private amenity space between 750m² and 1,729m².

In terms of landscaping the submitted plans show new soft landscaping to site boundaries as well as within the site through new trees and hedgerow planting. The detail of the landscaping scheme and boundary treatments could be agreed by condition.

The application has also been supported by an arboricultural impact assessment which outlines that nine young trees would need to be removed to facilitate the development with all other trees to be retained and protected during the development. It also states that there will be additional tree planting which would result in net increase in tree numbers and species and that the existing stone/earth track to the south of the oak trees along the northern boundary (some of which are veteran trees) will be carefully restored to soft landscaping which will result in an improvement to the rooting environment of these trees (the block plan submitted shows approximately 2/3 of this track removed). Overall, it is concluded that the

proposal would result in a positive arboricultural impact. All details of tree protection and retention could be conditioned as part of any permission granted.

Ground Contamination

The application has been supported by a contaminated land assessment which advises that the risk of encountering contamination during development is medium and therefore remedial works comprising further testing and removal of soils is required. There is also an isolated asbestos hotspot that requires removal and replacement with clean material. The report states that a Remedial Method Statement and the further testing required should be agreed with the Local Authority.

Environmental Health has been consulted on this application and recommends the use of conditions to deal with contamination and other matters.

Flood Risk and Site Drainage

The application site falls within the lowest flood risk area, Flood Zone (FZ) 1 for flooding from rivers and seas and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1.

The application form states that surface water would be dealt with via Suds (sustainable drainage) which is welcomed but that it is unknown how foul sewage would be dealt with. Preference would be for foul drainage to be connected to the mains where this is feasible. This would be dealt with via building regulations for a scheme of this size which is not located within a critical drainage area.

Other Considerations

Concerns have been raised regarding commercial uses and containers being moved onto other land the applicant owns. This is not included within the application and would require planning permission in its own right. This is therefore also not a material planning consideration for this application.

Sustainability

The purpose of the planning system is to contribute to the achievement of sustainable development. In determining whether a proposal would represent sustainable development there are three objectives which must be considered;

- An economic objective,
- A social objective, and
- An environmental objective.

Paragraph 38 of the NPPF states that “*Decision-makers at every level should seek to approve applications for sustainable development where possible.*”

This application was submitted prior to the adopted of The Brentwood Local Plan 2016-2033 and was therefore not subject to the validation requirements of the current Local Plan policies in relation to sustainability (policies BE01 – BE07 where relevant). However, the submitted planning statement advises that the dwellings have been designed with consideration given to potential solar access and gain. Given that the proposal is only for four dwellings it is considered that appropriately worded planning conditions could be used to address the requirements of policies BE01 to BE07 (where relevant).

In relation to the economic objective the proposal would generate limited employment during construction. Furthermore, future occupiers of the site would also be likely to support local businesses and may also work within the local area.

In terms of a social objective the proposal would result in four additional dwellings, however there is a realistic fallback position which would also result in four additional dwellings, this time of varying sizes. This proposal would not result in any materially harmful impacts towards neighbouring occupiers and on balance it is considered that the social objective would be met.

In relation to the environmental objective the application site is not well serviced by public transport, with the nearest bus stop along the Rayleigh Road approximately 200 metres from the application site. However, this is from the edge of the application site, not from the dwellings, and it is unlikely that the public bus service offered would be sufficient to consistently meet the day to day needs of future occupiers. There are some limited community services and facilities within the adjacent village such as community halls and a restaurant, but they would not meet day to day needs and any future occupiers would need to travel for these. However, this would not be significantly different to the fall back position of 20/00824/PNCOU and no objection is raised in relation to the locational sustainability of the site.

In terms of the overall design approach there is no objection and additional landscaping, ecological mitigation and enhancement could result in an environmental improvement to the site. Such improvements are of the sought generally required of any development and do not represent very special circumstances. The application site is located within the Designated Green Belt which the Government attaches great importance too. The proposal is considered to constitute inappropriate development in the Green Belt as the applicant's argument of the site forming previously developed land is not accepted. The proposal would result in a substantial impact on the openness of the Green Belt and would partially encroach into countryside contrary to one of the five purposes of the Green Belt.

Conclusion

The proposed development would represent inappropriate development in the Green Belt, would amount to substantial harm to the openness of the Green Belt and an encroachment into the countryside in conflict with one of the five purposes of the Green Belt. The Very Special Circumstances put forward have been considered but are not considered to clearly outweigh the harm identified and therefore do not exist. The application is consequently recommended for refusal as it would conflict with Policy MG02 of The Brentwood Local Plan and chapter 13 of the National Planning Policy Framework.

7. **Recommendation**

The Application be REFUSED for the following reason:-

The proposed development would represent inappropriate development in the Green Belt, would amount to substantial harm to the openness of the Green Belt and amount to an encroachment into the countryside in conflict with one of the five purposes of the Green Belt. The matters put forward have been considered but are not considered to clearly outweigh the harm identified and therefore Very Special Circumstances do not exist. The development would conflict with Policy MG02 of The Brentwood Local Plan and chapter 13 of the National Planning Policy Framework.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG02, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

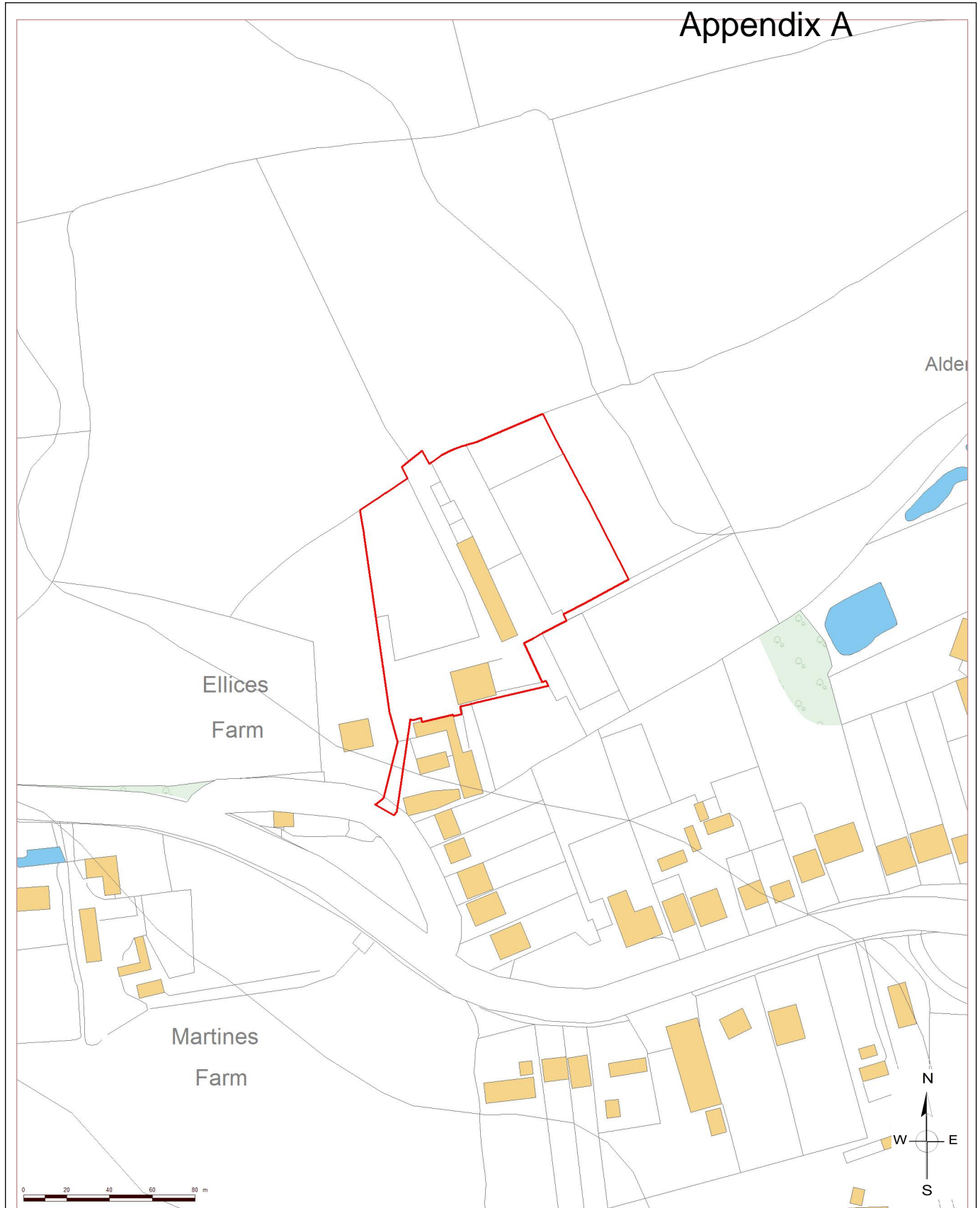
The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to 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

<https://www.brentwood.gov.uk/planning-advice-and-permissions>

Appendix A



Title : Havering Grove Farm, 552A Rayleigh Road, Hutton, Brentwood, Essex CM13 1SG

22/00047/FUL

Scale at A4 : 1:2500

Date : 28th June 2022

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



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SITE PLAN ATTACHED

9 SEBASTIAN AVENUE SHENFIELD BRENTWOOD ESSEX CM15 8PN

VARIATION OF CONDITION 2 OF APPLICATION 21/00645/HHA (GARAGE CONVERSION TO HABITABLE ACCOMMODATION. TWO STOREY REAR EXTENSION AND SINGLE STOREY REAR EXTENSION TO INCLUDE ROOF LANTERN. ALTERATION TO FENESTRATION) TO ALLOW CHANGES TO THE LAND LEVELS TO THE REAR TO CREATE A PATIO AREA WITH ACCESS STEPS TO THE SIDE AND REAR, BOUNDARY FENCING, CHANGES IN HEIGHT OF THE SINGLE STOREY REAR EXTENSION, AND ALTERATIONS TO THE FENESTRATION FROM DARK GREY WINDOWS AND DOORS TO WHITE ALUMINUM (PART RETROSPECTIVE).

APPLICATION NO: 22/00445/FUL

| | | | |
|-------------|-----------|-----------------------|-------------|
| WARD | Shenfield | 8/13 WEEK DATE | 2 June 2022 |
|-------------|-----------|-----------------------|-------------|

PARISH

| | | |
|---------------------|---------------------|--------------|
| CASE OFFICER | Miss Georgia Taylor | 01277 312620 |
|---------------------|---------------------|--------------|

Drawing no(s) relevant to this decision: SA.007.PAS.001/REV D; SA.007.PAS.003/REV D;

The application is reported to the Planning and Licencing Committee as referred by Councillor Thomas Heard for the following reason:

Last July, plans were approved for an extension at 9 Sebastian Avenue. Building work started in the Autumn and is continuing. At the time of the original approval residents in neighbouring properties identified to the Planning department that they believed the approved plans were flawed in that they were inaccurate and confusing.

There have been many issues of concern since building started, not least that some of the building work was in breach of the original plans (enforcement have been involved).

There have been 14 revised plans submitted. Neighbours have been in lengthy communication with Brentwood Planning concerning, amongst other things, the inaccuracy of plan measurements and accompanying statements and establishing a clear view of what it is we are supposed to be reviewing as neighbours.

1. Proposals

A variation of condition 2 of application 21/00645/HHA (Garage conversion to habitable accommodation. Two storey rear extension and single storey rear extension to include roof lantern. Alteration to fenestration) to allow changes to the land levels to the rear to create a patio area with access steps to the side and rear, boundary fencing, changes in height of the single storey rear extension, and alterations to the fenestration from dark grey windows and doors to white aluminium (part retrospective). Condition 2 of permission 21/00645/HHA stated:

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

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy BE14: Creating Successful Places

3. Relevant History

- 21/00645/HHA: Garage conversion to habitable accommodation. Two storey rear extension and single storey rear extension to include roof lantern. Alteration to fenestration. -Application Permitted
- 21/00645/NON/1 Non material amendment to application 21/00645/HHA (Garage conversion to habitable accommodation. Two storey rear extension and single storey rear extension to include roof lantern. Alteration to fenestration) for the removal of the chimney, removal of full height window, patio doors to be altered to a window, obscure window to first floor, remove top glazing panels, and rear access steps to be altered. – Application Permitted.

4. Neighbour Responses

No. 7 Sebastian Avenue

References have been made to regarding the inadequacies and inaccuracies to the previous HHA application.

- “For this development, the dual level aspect of the site where the house is built above a much lower garden has been and continues to be largely ignored e.g., how much higher is the patio from that previously approved/how much higher is the actual/proposed patio from the garden level – who knows?”

The current application seeks to allow changes to the land levels to create a rear patio area, and the proposed height will be addressed within the report.

- “The drawings do not show the increase in the single extension heights – they remain at the render line height.
LHS extension - The Case Officer’s report stated, *the proposal will not result in a harmful impact upon the living conditions of the neighbouring occupiers by way of overbearing impact, loss of privacy or loss of light.* Nevertheless, the latest proposals show the extension being heightened even more. RHS extension – here the revised floor level should have had no impact (the RHS extension is over a garage floor/old patio). It, as well as the patio adjoining it, have nevertheless still been heightened.”

As has been previously explained, the change in render line is not relevant to the height of the single storey rear extensions, as this is a change in fenestration material.

- “No information is shown in the drawings to show the relative height and area of the patio let alone any comparison with neighbouring buildings.”

The height of the patio is clearly shown on the proposed elevation drawings and the area of the patio is shown on the block plan.

- “Although no height dimensions for the patio were required by the Planners, the patio being at the same level as the bifold doors was approved. Yet, this configuration is completely different from the patios at No 7 and No 11. Here, neighbours’ privacy concerns were recognised and there are steps down from the houses onto the patio. The patio at this lower height only extends about 1.4m from the maximum extension line and steps then go down directly to the garden level. This contrasts with No 9 proposals where no consideration is given to any neighbour privacy concerns. Instead, a patio of even greater height than was approved is being proposed all to ensure it is in line with the bifold doors.”

The impact of the increase in height of the patio will be assessed within the report below. Height dimensions have been provided to the neighbouring occupiers in the form of an email to confirm the measurements. The patio

will be set away from the boundary shared with No.7 and No.11 as shown on the block plan.

- “In March and again in May 2022 new drawings were published yet these too are wrong. Amongst other things they show the previous actual patio’s height being higher than was the case and a lower level to the RHS of the property (as demonstrated in sales literature photographs publicly available). Indeed, the drawings even show that No 9 has a patio on the RHS boundary line. It does not.”

During an enforcement exercise, anomalies were picked up and the site has now been surveyed as confirmed with the applicant and correct measurements now shown on the plans.

- “In the new proposal and despite the heightened patio height not being known a fence line of only 1.8m will be required from the end of the new patio. As mentioned above there is already a fence line of 1.8m on the RHS which, although providing some privacy with the original patio height and area, will no longer fulfil this function if the proposed patio height is approved. As explained above, the patio will be much higher and extend further into the garden at this new height. We would therefore not support a reduction in the height of the fences, whilst still preferring a much lower patio configuration.”

Under the Non-material amendment application, the proposed patio steps were removed from either side of the patio, and were permitted to be central to the patio area. The boundary fence has been altered as the steps have been altered, and this will be addressed within the report.

- “We are concerned about where the water run off for the RHS single height extension will go.”

This is a Building Control issue, not a material planning concern.

- Plan Inaccuracies within the FUL application –
 - “Red roof tiles - These coloured tiles have already been used for the extension whereas dark brown tiles (which would match the current 30 years plus old roof tiles and those of the neighbouring properties) had been approved. We do not know whether the intention is to change the whole roof to red coloured tiles or if red has been chosen as a design statement. Even if the red tiles somehow weather to become dark brown the Planners have been unable to confirm how long this would take. We do know that the red

- tiles can be viewed from Hunter Avenue and amused comments have been passed to us about this choice of tile colour. We simply ask why approved dark brown tiles cannot be used (as we ourselves did when part of our roof was replaced)
- Fenestration - (which can be defined as the arrangement, proportioning, and design of windows and doors in a building). White windows and doors have been used in the development. This colour was approved. We therefore do not understand why the plans state that a dark grey colour had also been approved. It had not.”

As previously explained, the Red Roof tiles were permitted under the original HHA application as the materials were to match the existing dwelling, which the tiles do. In relation to the fenestration and the window colours, white UPVC was permitted, and although the ‘specification’ on the drawing states ‘dark grey’ this is incorrect, and the proposed development seeks to alter to White PPC Aluminium. This will be discussed within the report.

No. 11 Sebastian Avenue

- “The apparent height of the patio for No 9. If this is any higher than our patio it will create considerable loss of privacy for us who have been resident here for nearly 50 years. Our patio is two steps below our house floor level, and we consider that No 9 patio should be no higher.”

The impact of the proposed patio level will be addressed within the report.

- “An adequate fence provision will be essential between the rear of the houses to preserve both visual and sound privacy for each property - the present fence is poor and unstable. We consider that a new fence height of at least 2 metres above the new patio level will be an essential condition of the planning approval.”

The impact of the new boundary fence will be addressed within the report.

5. Consultation Responses

- No Comments Received.

6. Summary of Issues

This application follows approval in 2021 for the conversion of the garage into habitable accommodation, the construction of single and two storey extensions to the rear of the property. It seeks to vary a planning condition attached to that permission, in this case, replacing one set of plans with another.

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.

It is noted that planning permission cannot be granted under S.73 to extend the time limit within which a development must be started or an application for approval reserved matters must be made.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

Planning permission is sought for the Variation of Condition 2 of planning application 21/00645/HHA, to address changes in land levels to the rear of the property creating a patio area with access steps, changes to boundary fencing, changes in height of the single storey rear extensions, and alterations to the fenestration. The building works have commenced.

The changes proposed have been made under a Section 73 application which allows for conditions attached to the original planning permission to be removed or varied. The original planning permission will continue to exist whatever the outcome of the Section 73 application.

Background

Planning permission has been previously approved under planning application 21/00645/HHA.

The application site also been subject to a non material amendment permission, which agreed the removal of the chimney, removal of a full height window to the side elevation, patio doors changed to a window, removal of top glazing over annexe doors, addition of an obscure first-floor window to the side elevation, and rear access steps altered.

The current application has been submitted as part of an enforcement investigation carried out on site to alterations made to the initial planning permission and those proposed as the development has not yet been completed. The application seeks to vary Condition 2 of Planning permission 21/00645/HHA which states:

'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.'

Amendments

The current application is to seek permission for changes carried out on site, the principle of development has already been accepted for a 'garage conversion to habitable accommodation, two storey rear extension, single storey rear extensions and alterations to the fenestration', and therefore only changes to the original permission will be assessed and considered.

Patio Level Changes –

The patio levels are proposed to increase by 250mm above the original patio height. The patio area will be set in from both side boundaries and is a common garden element within the surrounding area due to the significant drop in land levels from the front to the rear of the property.

The increase in patio level will require additional fencing to the side boundaries - 1.8 metres from the top of the new patio level which is set 1.34 metres lower than the single storey extension adjacent to No.7 and No.11. The patio will be set off from the side boundaries with steps down to the side to access the side alleyway and steps into the rear garden. The addition of the fence particularly along the boundary with No.11 will improve the level of privacy to both properties.

It is considered that the change in level is relatively insignificant or 'de minimis', and not harmful to the character of the area or have a harmful effect upon the surrounding neighbours. Therefore, the change in site levels are compliant with Policy BE14.

Increase in height of the single storey rear extension adjacent to No.7 Sebastian Avenue -

The proposal seeks to increase the height of the single storey rear extension by 250mm. The extension will be of the same design and materials as approved, and the increase in height will not have a detrimental impact upon the character or appearance of the surrounding area.

The increase in height will be adjacent to the common boundary with No.7. The proposed increase in height is not considered to result in an overbearing impact, loss of light or loss of privacy.

Alterations to the fenestration –

Alterations to the fenestration include changes to the approved windows and doors, which were 'White UPVC'. The specification on the drawing indicates the approved windows and doors were to be 'Dark Grey Windows', however this was not approved under 21/00645/HHA. The proposed change is to alter the material of the windows and

doors to 'White PPC Aluminium'. It is considered the change to 'White PPC Aluminium' would be acceptable.

Other Matters

The neighbour objections have been mostly considered within the report; however, it is clear that the objections received largely relate to the original plans and development approved under 21/00645/HHA. Inaccuracies or discrepancies that have been identified do not go to the 'heart' of the intent of that approval. The current application seeks to regularise the need for the increase in height.

Conclusion

The changes result in the patio level and single storey rear extension being increased in height, changes to the boundary fence and alterations to the windows and doors, and it is considered that those revisions will not have a harmful effect on the living conditions of the neighbouring occupiers by way of overbearing effect, loss of privacy or loss of light.

The proposal is compliant with Policy BE14 of the local plan, the NPPF and the NPPG. This application is recommended for approval.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 DRA01A Development in accordance with drawings

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

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

2 U0046541

This permission only relates to the variation of condition 2 of the permission granted under reference 21/00645/HHA and all other conditions, i.e. conditions 1, and 3 to 5, of that permission shall continue to apply in full unless otherwise discharged.

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

Informative(s)

1 INF04

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

2 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

3 INF22

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

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : 9 Sebastian Avenue, Shenfield, Brentwood, Essex CM15 8PN

22/00445/FUL

Scale at A4 : 1:1250

Date : 28th June 2022

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



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SITE PLAN ATTACHED

LEE FARM HORSEMAN SIDE NAVESTOCK CM14 5ST

DEMOLITION OF THE EXISTING DERELICT STORAGE BARNs, OUTBUILDINGS AND HARDSTANDING. CONSTRUCTION OF 2 NO 2 BEDROOM AND 2 NO 3 BEDROOM DWELLINGS

APPLICATION NO: 22/00186/FUL

| | | | |
|-------------|-----------------------|-----------------------|------------|
| WARD | Brizes & Doddinghurst | 8/13 WEEK DATE | 18.04.2022 |
|-------------|-----------------------|-----------------------|------------|

| | | | |
|---------------|-----------|---------------------|------------|
| PARISH | Navestock | Ext. Of Time | 20.05.2022 |
|---------------|-----------|---------------------|------------|

CASE OFFICER Brooke Pride

Drawing no(s) relevant to this decision

Site Plan; 20-001-01; Design & Access Statement; 20-01-03; 20-01-04; 20-01-05; 08-08-21;

:

The application is reported to the Planning and Licensing as it has been referred at the request of the Parish Council for the following reasons:

The site has been granted the construction of 3 substantial houses in the past two years now potentially 4 more and their associated parking spaces in this application, with the prospect of more plans for housing put forward as other farm buildings exist on other parts of the farm.

The road the site lies off of is a rat run suffering from speeding issues and the introduction of more houses and vehicles will only add to impact on ill maintained country lanes of the Parish.

There is no public transport.

The design is not in keeping of the area.

The site is neither brownfield nor infill and does not form part of the LDP.

The site is nearby to the growing development of illegal travellers site.

The Parish Council and residents consider it is over development in the greenbelt impacting on its openness and loss of greenbelt

1. Proposals

Planning permission is sought for the demolition of storage buildings, to develop the existing site into four dwellings with associated parking and landscaping.

Site Description

The application site is located on the north side of Horseman Side, set back from the main highway by a track. The site is occupied by storage buildings used for commercial purposes of storage. The wider site is formed of a larger area to the north at the end of the track is occupied by a farmhouse with ancillary buildings, separated from the southern end by a purpose built woodland and agricultural land. The southern end of the track occupies a main dwelling which owned former buildings that have now been converted and developed into two detached dwellings, one of a barn style and the other a bungalow.

Pre-application advice has been sought prior to the submission of a planning application.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- National Planning Policy and Guidance
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy BE14 Creating Successful Places
- Policy BE13 Parking Standards
- Policy MG02 Green Belt
- HP06 Standards for New Housing

3. Relevant History

No previous history on the land outlined in red.

Applications on the land surrounding the site:

- 21/00811/FUL: Demolition of existing Barn/Stables and construction Granny Annexe. – Application Approved
- 20/01184/HHA: Proposed first floor side extension to include 3x dormer windows, re-location of front entrance with front canopy porch, rear open canopy and alterations to fenestration to include replacement of all windows and doors. – Application Approved
- 20/00478/FUL: Proposed demolition of storage buildings and construct detached dwelling with associated parking and landscaping. – Application Approved
- 20/00023/FUL: Proposed demolition of storage building and construct detached dwelling with associated parking and landscaping – Application Approved

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. 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 neighbour objection was received

- There has already been considerable development on Lee Farm, adjacent to the original building and that still remains unoccupied.
- There also appears to be large outbuildings erected in close proximity. Surely this is sufficient development for this site.
- The development would encroach upon neighbouring properties, that presently enjoy the rural, undeveloped aspect and this is surely in the green belt as well as being utilised as farm land in the past.
- Concerns upon the environmental impact, particularly noise, due to the close proximity to the M25.
- Further development would alter and impact upon the rural and country style of low density living.
- Drainage issues and impact upon the existing system.

5. Consultation Responses

- **Parish Council-**

Navestock Parish Council object to the above application.

The application above lies on a farm that has seen development of 3 substantial residences replacing farm buildings and stables since 2020.

Applications 21/00811/FUL, 20/00023/FUL, 20/00478/FUL were approved between 2020 and 2021.

The above proposed development is inappropriate and overdevelopment in greenbelt and does not fulfil any criteria contained in the recently approved LDP. It is neither a brownfield site or could be considered as infill.

It will have a detrimental effect on the openness of greenbelt, is out of character with the rural area and will increase traffic and pollution on narrow ill maintained country lanes given the proposed 8 parking spaces allocated.

With other farm buildings situated on the site this will inevitably lead to more residential applications on this site, which would add further to the loss of greenbelt in this rural Parish.

Therefore Navestock Parish Council strongly object to this application.

- **Arboriculturalist/Landscape/Ecology**

The site currently contains several poor-quality outbuildings and structures which detract from the appearance of the area. Between the buildings is a large area of hard standing with some patches of improved grass.

There are two small trees, a hawthorn and a field maple adjacent to the access road. These will require removal as part of the scheme. They have a low amenity value and their loss would not have a significant effect on amenity.

There is a larger sycamore on the southern boundary. The plans do not show if it is to be retained or removed; however given its proximity to one of the dwellings it is likely to require removal. The tree is a twin-stemmed medium size, mature specimen. Having inspected the tree it appears to have significant faults within its main stem which will limit its life expectancy. It is not considered that the removal of the tree would have a material effect on amenity.

If permission is granted I would request a detailed landscape plan be conditioned which would provide details of new planting, hard materials within the courtyard area and boundary treatments.

There is a young wood to the rear of the site and care will need to be taken to minimise any effects on the trees close to the site boundary. I request that a tree protection plan be conditioned.

- **Affinity Water-** No comments received.

- **Highway Authority-**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is in a private road, and it is expected that the daily vehicle trips will be generally comparable to the extant permitted use. Each dwelling is proposed with adequate off-street parking, therefore: From a highway and transportation perspective the impact of the proposal is

acceptable to the Highway Authority as it is not contrary to Development Management policies.

- **Operational Services Manager-** No comments received

- **Environmental Health & Enforcement Manager-**

At present, Environmental Health does not have enough information to make an informed decision on the application. In accordance, our department would like to request documentation.

6. **Summary of Issues**

The main issues to be considered are:

- Whether the development would be inappropriate development in the Green Belt;
- The design and appearance of the development
- Effect on nearby residents
- Parking and transport

National Planning Policy relating to new development in the Green Belt is set out in the National Planning Policy Framework chapter 13. The current local development plan Brentwood Replacement Plan (BRLP) is also relevant, in particular policy MG02.

Both local and national policy states that new development in the Green Belt is by definition, inappropriate and will not be permitted unless very special circumstances exist to clearly outweigh the harm caused by inappropriateness and any other harm identified. Exceptions to new development are set out in Paragraphs 149 – 150 of the Framework;

Paragraph 149 states;

- (g) Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

With regard to the above, the NPPF defines previously developed land (PDL) as land which is or was occupied by a permanent structure excluding, amongst other things, agricultural buildings (annex 2 of the NPPF). A site visit has been carried out and it is considered all structures are of a permanent and substantial structure.

The site does fall within the definition of previously developed land. The test is whether the proposed scheme would have no greater impact upon the openness of the Green Belt than the existing situation.

Openness and purposes of including land in the Green Belt

Drawing no. 080821 has been submitted to show the existing and proposed massing of built form. The dwellings will be set within the parameters of the existing built form within the area of existing hard standing. The development will form a low level courtyard typology of development preventing spread into the wider open Green Belt. The massing model shows that the proposed development in terms of its volume will be just below the existing buildings and therefore would not result in greater impact upon the openness of the Green Belt than the existing situation.

Although the adjacent land parcels have already been partly redeveloped and a cohesive approach across the wider site area would have been preferred the outcome of the Green Belt assessment would have remained the same with the visual and spatial impact upon the Green Belt resulting in a similar quantum of development.

The proposal would form an exception to inappropriate development within the Green Belt in accordance with local and national policy and is therefore, in principle acceptable, subject to meeting other development management issues.

Design, Character and Appearance

The development proposes a courtyard typology which is in character and appropriate for the site and its setting within a rural backdrop. The type of development would be found within the grounds of a farmstead and the single storey scale reduces the bulk of new development within the landscape.

The proposal is an improvement upon some of the schemes permitted adjacent to the site and although a cohesive approach would have been preferred with the developments all included within one application the design, siting, form and typology of the current application sits well within its context and nature of the site.

The application has been supported with details of materials and are considered acceptable. The development, subject of condition, will not have an unacceptable detrimental impact on visual amenity or the character and appearance to the surrounding area therefore the proposal is compliant with policy BE14 of the local plan, the NPPF and the NPPG.

Residential Amenity

The site is surrounded by dwellings with a site to the far east, and an immediate detached dwelling to the south and across the track to the west is another dwelling. The development is single storey in height sits comfortably within its own boundary and the

layout would not result in any harm to surrounding occupiers of the site by reason of loss of privacy, overlooking or noise and disturbance. A landscaping condition is required to ensure that adequate soft landscaping and appropriate fencing is erected, to blend with the rural location.

The proposed development is suitably distanced as to not amount to any overbearing impact, loss of light or outlook or create any undue overlooking or loss of privacy to the adjacent occupiers. The proposed development is compliant with policy BE14 of the local plan.

Living Conditions

All dwellings are provided with an appropriately sized and useable private garden area. In terms of the sizes of the units, all units comply with the minimum size required by the DCLG technical housing standards and would be dual aspect. Furthermore, all habitable rooms are provided with adequate light, outlook and ventilation and provision is made for refuse storage for each unit. The proposal complies with policy HP06 of the Local Plan.

Parking and Highway Considerations

The access will be by the existing track off from the main road Horseman Side. The highway authority raises no objection to the re-use of the access for further residential development.

The proposal includes two off street parking spaces within the courtyard per dwelling, which accords with the current parking standards. Therefore, the proposal complies with policy BE13 of the local plan.

Trees and Landscaping Considerations

The application site is adjacent to a woods to the north and other nearby surrounding trees, The arboricultural officer has been consulted and raises no objection in principle however, suggested that a detailed landscape plan be submitted to confirm details of new planting, the proximity of hard surface areas, and boundary treatments and a tree protection plan.

Noise and Contamination

The site is within close proximity to the main motorway M25 and concerns in regard to the potential noise for the future residents. A noise report is required before any development is carried out to confirm that sufficient screening of noise levels can be achieved for future residents of the site. A contamination report is also required for the previous site uses to confirm that the site is appropriate for housing.

Other Matters

The neighbour objections have been largely addressed within the main assessment. The points raised in regards to the rural views, drainage and unsold dwellings are not materials planning considerations and therefore will not form part of the planning assessment.

Conclusion

The proposal forms an exception to inappropriate development in the Green Belt, resulting in the development of previously developed land that would not result in more harm to the openness of the Green Belt than the existing site, in accordance with local and national planning policies. Subject to conditions the application is recommended for approval, in accordance with the NPPF's presumption in favour of sustainable development.

6.0 RECOMMENDATION

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

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

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

3 MAT01 Samples (details acceptable)

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

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

4 BOU01 Boundary treatment to be agreed (general)

The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved

boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 BOU08 No walls or fences
Notwithstanding the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no walls, fences or other means of enclosure shall be erected within the application site.

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

6 DEM01 Demolition of buildings on site (green belt)
The existing building(s) or parts of buildings on the site indicated on the approved drawings and/or specifications for demolition shall be demolished and all materials arising shall permanently be removed from the site prior to the first occupation of any part of the development hereby permitted.

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

7 LAN02 Landscaping - full details not submitted
Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels, and indicate the location of bat boxes on the retained buildings. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

8
No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason: To preserve the character and appearance of the area.

9

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt

10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwellings hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons: To prevent the creation of a dwelling of disproportionate size that would conflict with the policies of restraint within the Green Belt

11 Noise attenuation

With the proposed development within close proximity of the M25 a noise assessment should be completed, suitable for the development hereby permitted and shall be submitted to and approved in writing by the local planning authority before development begins. The noise assessment should consider noise from both internal and external environments, with reference to BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the noise assessment shall be made available to the Local Planning Authority to review before development begins.

12 Contamination

No development shall take place until a desk top study of the nature and extent of any possible ground contamination has been carried out. The results of the investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Informative(s)

1

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

2

The following Development Plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14, MG02, BE13, HP06; National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

3

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

4 Environment Health

No bonfires should be permitted during construction.

Any asbestos containing materials within the existing buildings should be removed by an appropriately licensed contractor before demolition commences

Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive

Heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY
tel 01277 312 500 fax 01277 312 743 minicom 01277 312 809 www.brentwood.gov.uk

Monday-Friday.....08.00-18.00

Saturday.....08.00-13.00.

No noisy activities on Sundays or Bank Holidays.

Particularly noisy equipment such as Pile Drivers/Angle Cutters/Pneumatic Drills/Cement Mixers etc. should be used approximately one hour after the beginning hours mentioned above and one hour before the said end times.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should

be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (eg. Plastics, rubber, treated wood, bitumen etc.)

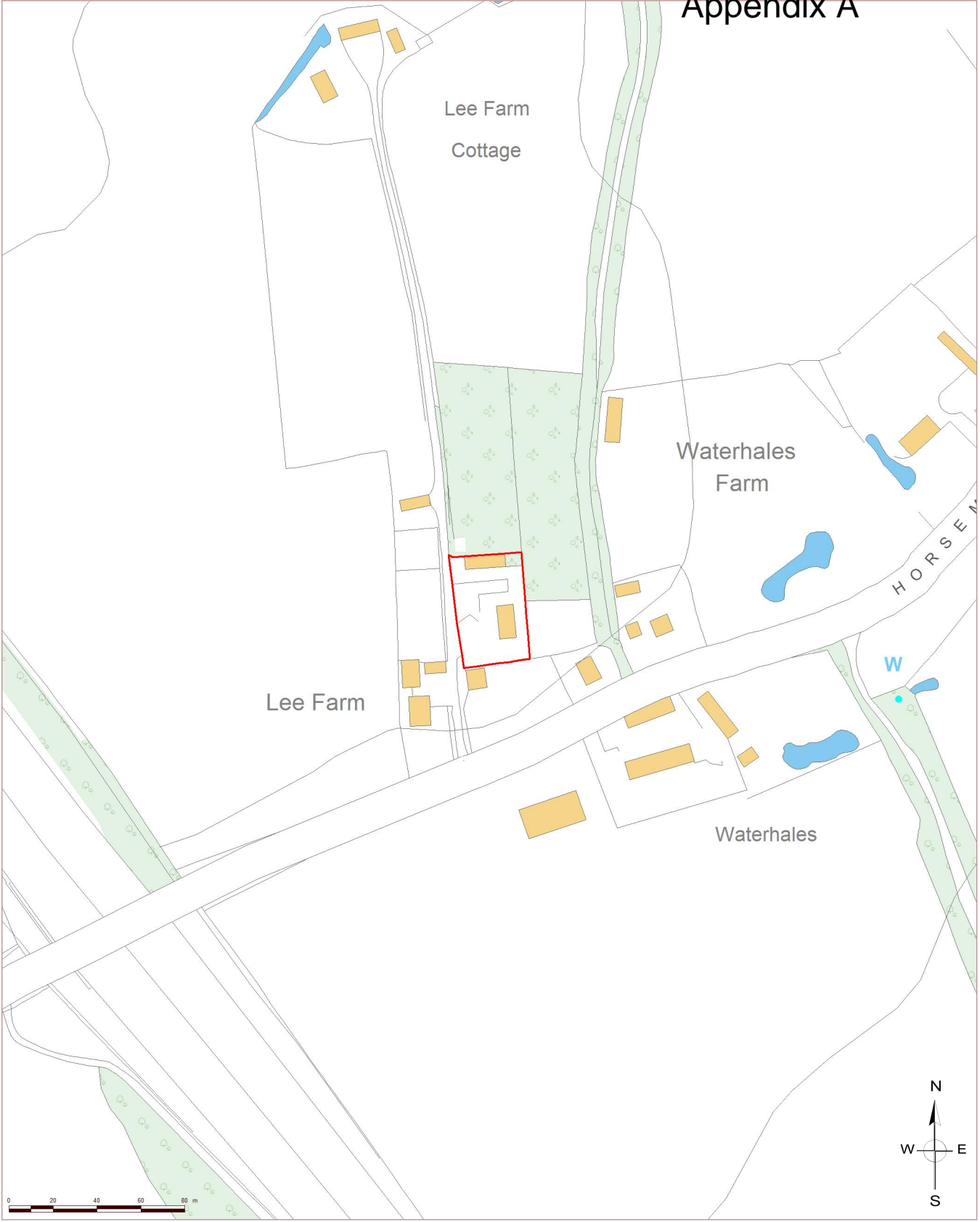
Radio noise should not be audible at the boundary of the nearest neighbouring property.

Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Health Department prior to commencement.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Lee Farm, Horsemanside, Navestock, Brentwood, Essex CM14 5ST

22/00186/FUL

Scale at A4 : 1:2500

Date : 28th June 2022

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



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|--|----------------------------|
| Committee(s): Planning and Licensing Committee | Date: 28 June 2022 |
| Subject: Planning Appeals Update (February – May 2022) | Wards affected: All |
| Report of: Phil Drane, Corporate Director (Planning and Economy) | Public |
| Report Author: Mike Ovenden, Associate Consultant Planner Email: mike.ovenden@brentwood.gov.uk | For Information |

Summary

This report provides Members with information regarding recent planning appeal decisions.

Main Report

Introduction and Background

1. This report provides a summary of recent decisions concerning appeals relating to sites in the borough. This is part of a regular series of updates brought to the Planning and Licensing Committee for information, the most recent update brought on 22 February 2022 (Item 294).
2. The report provides a summary of the main issues and comments made by inspectors, which can be useful when making decisions on current and future planning applications. It shows that different inspectors can reach different views on similar matters. Inspectors can sometimes have an inconsistent approach to the conditions they are willing to impose, for example requiring provision of a travel information pack often requested by highways and also on the removal of specified permitted development rights.
3. The committee is aware that a local planning authority record of success for defending appeals is the measure taken by the Department for Levelling up, Housing and Communities (DLUHC) to assess the quality of decision making. This is broken down into Majors (M) and Non Majors (NM), with a maximum allowable 'loss rate' of ten percent of the total number of applications of that type determined. Members may be aware that one Essex authority (Uttlesford District Council), recently exceeded the allowable loss percentage for Majors. One consequence of that is that applicants are now able to choose to make their Major applications direct to the Planning Inspectorate rather than having them determined locally by the authority. The measure relating to Major appeals is challenging due to the low number of such applications that smaller authorities tend to receive, including Brentwood Borough, in contrast to the measure for Non Majors.

4. The summaries below identify the type of appeal in each case. Any cases listed in this report that were determined by the Planning and Licensing Committee are marked with a (C).
5. The application documents and the appeal decisions are available to view on the Council's website at <https://publicaccess.brentwood.gov.uk/online-applications/> via Public Access.

Comparative data with other Essex authorities

6. The committee has previously expressed an interest in seeing how the authority performs in comparison to other Essex authorities. Below are two tables providing such comparative information on general planning appeals (S78) and householder appeals. The data is taken from the Government website and Planning Inspectorate statistics, which is updated annually and most recently in April 2022 (see <https://www.gov.uk/government/statistics/planning-inspectorate-statistics>).

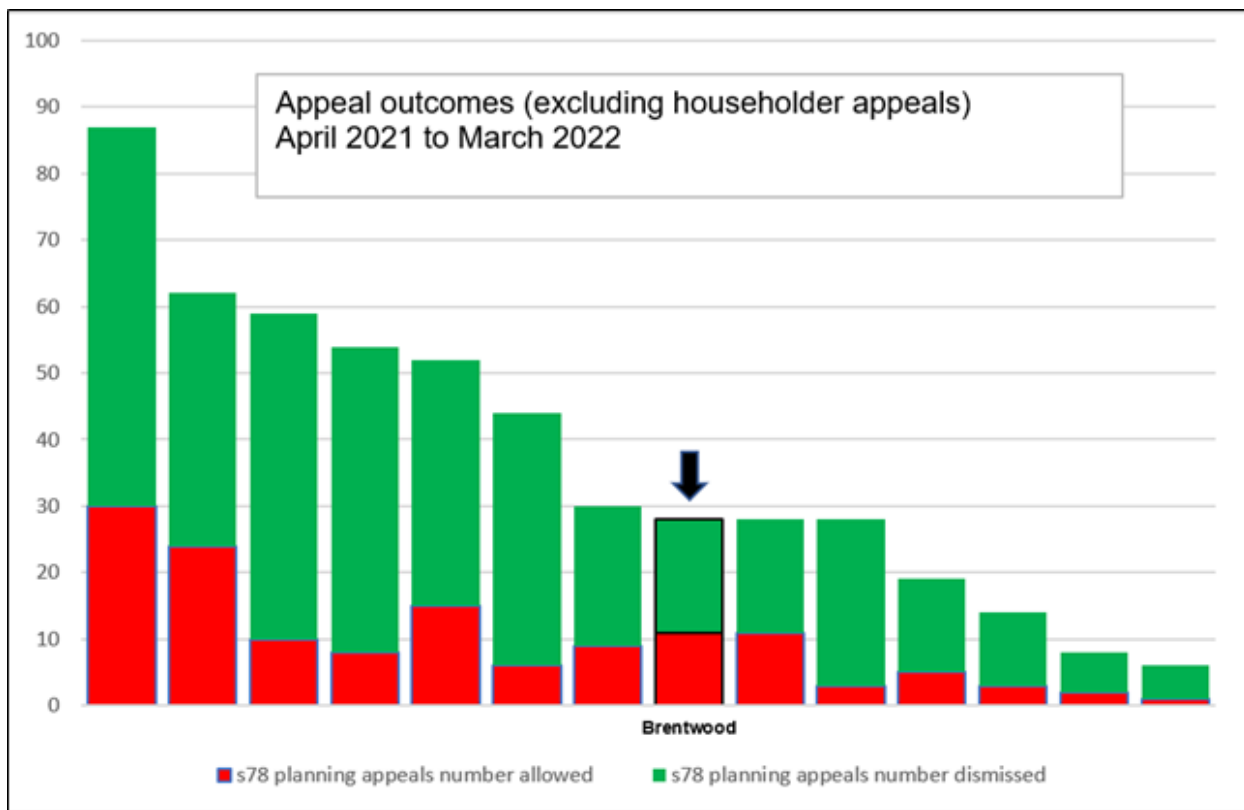


Table 1: Appeal outcomes in Greater Essex (excluding householder appeals), April 2021 to March 2022

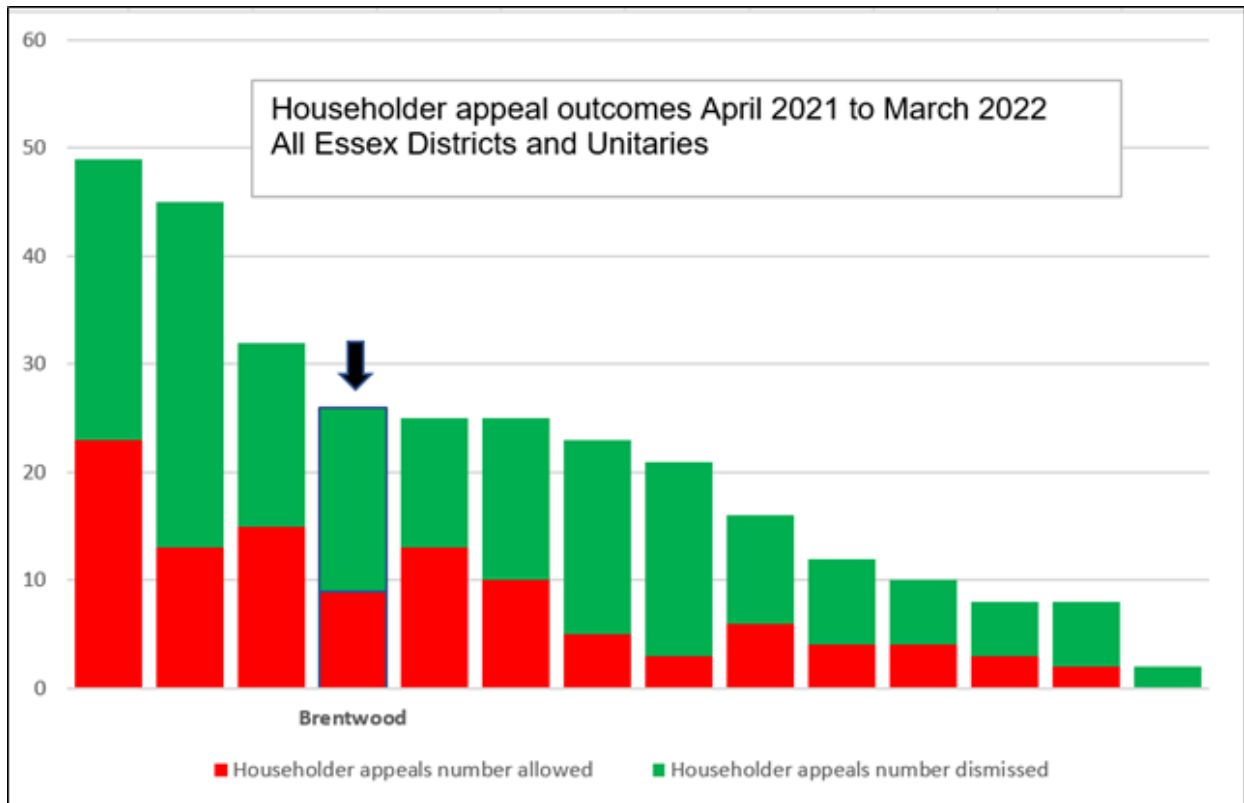


Table 2: Householder appeal outcomes in Greater Essex, April 2021 to March 2022

Appeal Decisions

7. The following appeal decisions have been received since February 2022. Overall, 13 decisions were issued of which 11 were dismissed and two were allowed (75% dismissed or in line with the council’s decision). There were no cases determined by the Planning and Licensing Committee.

| | | |
|-----|-------------------------|---|
| 7.1 | Application No: | 21/00537/HHA (NM) |
| | Location: | Oak Hill, Beggar Hill, Fryerning |
| | Proposal: | Demolish existing rear extension. Two storey side and rear extension to west elevation. Two storey side and rear extension to east elevation to include creation of new basement. Proposed new driveway with timber gates |
| | Appeal Decision: | Appeal Dismissed 15 March 2022 |

The main issues identified by the Inspector were the impact upon the Green Belt and whether there were any very special circumstances to justify the proposal and on the Fryerning Conservation Area. In relation to the Green Belt, the Inspector considered that the proposal, although would include a subterranean basement, the basement along with the additions above ground would represent a significant increase in the size of the overall property, resulting in a disproportionate addition to the original dwelling and would not meet the exceptions of para. 149 of the NPPF. Due the overall development above ground, including the new entrance gates and driveway, along with the substantial extensions to the dwelling, the proposal would result in an adverse impact on the openness of the Green Belt, resulting in moderate harm to the Green Belt.

Consideration was given to the potential impact upon the Conservation Area. The property is significantly set back with limited views from the public realm. The proposal would retain its arts and crafts character due to the design of the proposed extensions and was therefore considered to result in a neutral impact on the dwellings contribution to the significance of the Conservation Area.

The inspector concluded that the development resulted in harm to the Green Belt and that very special circumstances did not exist.

| | | |
|-----|-------------------------|---|
| 7.2 | Application No: | 20/01255/FUL (NM) |
| | Location: | Fantails, Hook End Road, Hook End |
| | Proposal: | Construction of agricultural building to be used for the storage of machinery and hay (Retrospective) |
| | Appeal Decision: | Appeal Dismissed 4 March 2022 |

The main issues for the Inspector were whether the retrospective development represented inappropriate development within the Green Belt; and the effect of the development on the setting of the adjacent Designated Heritage Assets. This appeal was determined prior to the adoption of the new local plan.

The Inspector concluded the proposal would meet the exception to inappropriate development under para 149(a) (buildings for agriculture and forestry) despite the

Councils assertion that little evidence was forthcoming to demonstrate it was agricultural purposes – there was no test within the Framework or local policy. A condition could be imposed to ensure it was for such a purpose.

In terms of heritage assets, the Inspector concluded that the historic evolution of the site stemmed from a farmhouse with associated barns which created a nucleus of buildings to the front of the site (a small farmstead). The setting of the farmstead would have historically included expansive open and undeveloped space beyond. The relationship of the new building to those existing is demonstrably greater in terms of distance and it would be substantially removed from the existing nucleus of buildings at odds with the historic layout and impeding upon the open setting beyond. Concerns were also raised in respect of the scale of the building constructed and its prominence has a negative impact upon the setting of the heritage assets. The harm would be 'less than substantial' and there were no public benefits to outweigh the harm. The appeal was dismissed on the second ground.

| | | |
|-----|-------------------------|---|
| 7.3 | Application No: | 21/01143/S192 (NM) |
| | Location: | 34 Kensington Way, Brentwood |
| | Proposal: | Application for a Lawful Development Certificate for a proposed use or development to convert existing garage/car port into a kitchen and convert existing kitchen into a study |
| | Appeal Decision: | Appeal Dismissed 25 March 2022 |

This appeal relates to the determination of a Lawful Development Certificate to convert a carport into a kitchen. The application was refused due to Condition 20 on the original planning permission 10/00201/FUL for the dwelling restricting the use of the garage for parking of motor vehicles and incidental uses. The Planning Inspector agreed with the Councils determination and upheld the appeal.

| | | |
|-----|------------------------|--|
| 7.4 | Application No: | 20/01687/HHA (NM) |
| | Location: | Spinney Lodge, First Avenue, Hook End |
| | Proposal: | Demolition of existing garage. Construction of a two storey side extension to create an annexe |

| | |
|-------------------------|--------------------------------|
| Appeal Decision: | Appeal Dismissed 15 March 2022 |
|-------------------------|--------------------------------|

The main issue identified by the Inspector was the impact upon the Green Belt and considered the extension would result in a dwelling which is disproportionate in size compared to the original building. The extension would also erode the visual openness of the site which is not mitigated by the large size of the plot.

Regard was given to the Public Sector Equality Duty (PSED) as the applicant submitted information for personal circumstances, however the inspector was not persuaded that the additional accommodation proposed to meet all possible eventualities and requirements that may or may not arise was reasonable and the accommodation to be excessive.

There was also a lack of detailed information submitted to indicate the provision of the accommodation could not be made in an alternative form outside the Green Belt or inside the existing house.

The inspector concluded that the development resulted in harm to the Green Belt and that very special circumstances did not exist.

| | | |
|-----|-------------------------|--|
| 7.5 | Application No: | 21/00871/FUL (NM) |
| | Location: | 50 Oliver Road, Shenfield |
| | Proposal: | Demolition of existing bungalow, construction of two three bedroom dwellings with off street parking |
| | Appeal Decision: | Appeal Dismissed 4 March 2022 |

The main issue identified by the Inspector was the effect of the proposed development on the character and appearance of the area. This was the second appeal, there also having been four refusals for a similar proposal to replace a bungalow on a corner plot with two dwellings. The Inspector agreed with the authority that the development would be unduly prominent, appearing squeezed in and out of keeping with the more spacious pattern and character of development in the area.

The appeal was determined before the adoption of the new local plan. At that time the authority could not demonstrate a five year land supply and consequently, in combination with low levels of housing delivery, the tilted balance was engaged. However, the Inspector considered that the addition of just one extra dwelling in the borough would make only a very small difference to housing supply and therefore did not overcome his objections to the proposal. This issue has been reported in appeal summaries in the past where, in contrast, it was the main reason for allowing two appeals relating to individual plots.

| | | |
|------------|-------------------------|--|
| 7.6 | Application No: | 21/01274/FUL (NM) |
| | Location: | Braeside, 112 Priests Lane, Shenfield |
| | Proposal: | Demolition of existing house and garage and construction of two detached houses. Resubmission of refused application: 21/00509/FUL |
| | Appeal Decision: | Appeal Dismissed 15 March 2022 |

The main issue for the Inspector was the impact of the proposal on the character and appearance of the local area and impact on the living conditions of occupants of No. 108 Priests Lane by way of overbearing effect.

The Inspector set out the character of the area, agreeing with the officer interpretation being varied in design and scale, set in good sized plots, with the trees and foliage adding to the verdant spacious character of this plot.

The proposed dwellings would be set back from the existing frontage, out of line with the adjacent dwellings appearing at odds with the surrounding character. The proposed dwellings due to their scale and design, would have bulky features and large blank walls that would appear overly large when compared to surrounding properties. Whilst the trees on the site would be retained, due to the proximity with Plot 1 would likely suffer overshadowing issues, with potential pressure in the future for removal. Whilst the trees are not protected, they offer verdant benefits to the character of the area. Overall, the proposed dwellings due to their size and position would have a jarring visual relationship with their surroundings, resulting in harm to the character and appearance of the street scene.

Given the relationship of Plot 1 with No. 108 Priests Lane and the change in land levels between the two dwellings, along with the existing trees providing some screening, the Inspector considers that Plot 1 would not result in an overbearing impact. Whilst finding in the appellants favour with regard to the living conditions, this would not outweigh the harm to the character and appearance of the area.

| | | |
|-----|-------------------------|---|
| 7.7 | Application No: | 21/00360/FUL (NM) |
| | Location: | Land At La Plata Grove, Brentwood |
| | Proposal: | Removal of Conditions 3 & 4 of application 20/00920/FUL and replace with new Condition:- "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and/or re-enacting that Order with or without modification, no development under Schedule 2 Part 1 Classes A, D, E, F, G, H shall be carried out unless approved by way of a planning permission granted." |
| | Appeal Decision: | Appeal Dismissed 15 March 2022 |

This appeal related to the removal of two planning conditions attached to the planning permission for the erection for three dwellings on previously vacant land at the end of a cul-de-sac adjacent to existing properties. Those conditions removed selected permitted development rights – rights to install additional windows (above ground floor) on the rear elevation of the dwellings and to erect extensions - only insofar as they were necessary to avoid overlooking of neighbours and of each other.

The appellant wanted to remove the conditions but suggested an alternative as a replacement that would remove a broader range of permitted development rights. The application had been refused because of the effect on amenity of removing the restrictions but also because the revised condition removed rights that were not harmful and therefore their removal was unjustified. The main issue therefore was whether the existing conditions were reasonable and necessary in the interests of safeguarding the living conditions of neighbouring occupants.

The Inspector found that there was clear planning justification for the conditions which are necessary, reasonable and important to safeguard the living conditions of neighbouring occupants and should therefore be retained.

| | | |
|-----|-------------------------|---|
| 7.8 | Application No: | 20/01854/FUL (NM) |
| | Location: | 1 Rose Hall Cottages, Shonks Mill Road, Navestock |
| | Proposal: | Demolition of existing outbuilding and construction of a new dwelling |
| | Appeal Decision: | Appeal Dismissed 14 February 2022 |

The main issues identified by the Inspector were whether the proposed development would be inappropriate development in the Green Belt, and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, amounting to very special circumstances (VSC) necessary to justify the proposal.

The Inspector agreed with the officer's assessment that the proposal would result in inappropriate development in the Green Belt and would fall outside an exception for development as set out in Para. 149 of the NPPF.

In reference to VSC, the Inspector considered the approval of application 21/00564/FUL, for a rebuild of the existing outbuilding to a lesser extent with residential Permitted Development (PD) Rights retained, however as the comparison between a PD fallback off application 21/00564/FUL and the appeal scheme did not clearly indicate a similar/ lesser impact on Green Belt openness this was not considered to outweigh the harm identified to the Green Belt.

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| 7.9 | Application No: | 21/01457/HHA (NM) |
| | Location: | 3A Roman Road, Ingatestone |
| | Proposal: | Single storey front extension and single storey side extension |
| | Appeal Decision: | Appeal Allowed 4 March 2022 |

The dwelling is sited on a corner and the Council's concerns related to the size, design and forward projection of the extension relating poorly to the surrounding area.

The inspector found the dwelling was constructed on a lower ground level to the adjacent properties and did not consider the dwelling appeared prominent within the street scene. However, the Inspector did consider the proposal would not be a subservient addition, but as the proposal included a hipped design and pitched roof that hipped back into the site and away from the site boundaries with the render applied to existing elevations integrating the extension into the building as a whole concluded the appearance would not be disproportionate or harmful to the building's general appearance. Overall, the design and appearance was considered not to be disproportionate or harmful but accepts the proposals would give the building a greater prominence but would not be harmful to the character or appearance of the wider area. The appeal was allowed subject to conditions.

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| 7.10 | Application No: | 21/00462/FUL (NM) |
| | Location: | Chelmer Cottage, Docklands Avenue, Ingatestone |
| | Proposal: | Demolition of existing dwelling and construction of two new dwellings |
| | Appeal Decision: | Appeal Allowed 27 May 2022 |

The main issue for the Inspector was the impact of the proposal on the character and appearance of the local area including the setting of the Ingatestone Conservation Area. The appeal was determined following the adoption of the new local plan and the appeal was considered on this basis.

The Council's key concern related to the new house (plot 1) and its projection beyond the established building line which was considered to erode the orderly, defined spatial openness to the entrance to the Avenue. The Inspector disagreed and considered that the irregular building line along Roman Road and would be difficult to discern with the set back of houses of varied architectural design and landscaped frontages. Any infringement would be marginal and the scale of the buildings would be similar to nearby buildings. The buildings would fit reasonably comfortably within the site and street scene. Furthermore, the Conservation Area is far enough away from the site to ensure no significant impact upon setting and whilst

objections from neighbours were considered, no significant harm was identified to their amenities or to the local sewer network in terms of capacity in the absence of any evidence.

The Inspector whilst finding no harm also identified that the presumption in favour of sustainable development would apply with the under-delivery of housing within the borough. Whilst only a net increase of one house, this would contribute to an identified need. The appeal was allowed subject to conditions.

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| 7.11 | Application No: | 21/01873/HHA (NM) |
| | Location: | 37 Kelvedon Green, Kelvedon Hatch |
| | Proposal: | Demolition of existing conservatory and construction of two storey rear extension. Fenestration alterations. |
| | Appeal Decision: | Appeal Dismissed 4 March 2022 |

The main issue for the Inspector was the impact of the proposal on the living conditions of neighbouring occupants.

The Inspector considered that the extension at two storeys high, 0.5 metres from the boundary and 3.5 metres in depth would result in a dominant and oppressive element adjacent to the rear garden of No. 35 Kelvedon Green, which would restrict the outlook from the conservatory, forming an unneighbourly form of development, resulting in an overbearing effect, causing significant and unacceptable harm to the living conditions of No. 35 Kelvedon Green.

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|------|-------------------------|---|
| 7.12 | Application No: | 21/01344/PIP (NM) |
| | Location: | Rose Court, Great Warley Street, Great Warley |
| | Proposal: | Permission in Principle for the construction of 1-3 dwellings |
| | Appeal Decision: | Appeal Dismissed 9 May 2022 |

The proposal relates to ‘permission in principle’ which is an alternative way of obtaining planning permission for housing-led development. The consent route has two stages: the first stage (permission in principle) establishes whether a site is suitable for development, and the second stage (technical details consent) considers the detailed development proposal. The appeal relates to the first stage only with considerations limited to location, land use and the amount of development permitted.

The main issue for consideration was whether the proposal would be inappropriate development within the Green Belt and if so, whether there were very special circumstances to justify the development.

Several exceptions were considered under the Framework including para 149(e) which relates to limited infilling in a village. The gaps from existing development and the linear development located further along the street were found to be considerable and the proposal was not considered to contribute to a continuous built frontage. It would not amount to limited infilling even if the settlement were found to meet the definition of a village. The second exception related to previously developed land under para 149(g)(i). The Inspector concluded the built form and footprint of development would increase significantly above that as existing (currently no buildings) and have a greater coverage of the site. In spatial and visual terms, there would be a greater and harmful impact and significant harm to Green Belt openness.

Despite an under-delivery of housing within the borough, the Inspector concluded they were not required to apply the tilted balance as the harm identified (Green Belt) was a clear reason for refusing the proposal albeit moderate weight could be attached to the under-delivery of housing where three new units were proposed. There were no very special circumstances to clearly outweigh the harm and the appeal was consequently dismissed.

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| 7.13 | Application No: | 21/01307/FUL |
| | Location: | 189 Coxtie Green Road, near Pilgrims Hatch, South Weald |
| | Proposal: | Conversion of two outbuildings to residential and the construction of a replacement building for residential purposes |
| | Appeal Decision: | Appeal Dismissed 9 May 2022 |

Since the submission of the appeal Brentwood Borough Council had adopted the Brentwood Local Plan 2022 (LP), as such this plan was used to determine the appeal.

The main issues identified by the Inspector were whether the proposed development would be inappropriate development in the Green Belt, and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, amounting to very special circumstances (VSC) necessary to justify the proposal.

The Inspector considered the conversion of outbuildings 1 and 2 to dwellings would not be inappropriate development in the Green Belt, in reference to Para 149 (g) of the NPPF. However, the additional dwelling proposed would lead to the introduction of a structure where no structure currently exists, resulting in an increase in built form to the rear of the site and the spatial gap would not be maintained, summarising this would have a greater and harmful impact upon the openness of the Green Belt in both spatial and visual terms.

The site previously included an outbuilding, however a condition of decision 17/00863/FUL for the neighboring dwelling required the outbuilding to be demolished, as this outbuilding was therefore demolished the additional dwelling proposed would result in a reduction in openness of the Green Belt and the proposal viewed holistically would result in modest harm to the openness of the Green Belt, resulting in inappropriate development.

In reference to VSC, the Inspector did not find VSC exist through the construction of three dwellings to outweigh the harm identified to the Green Belt. The Inspector also noted application 21/01307/FUL, approved for the conversion of the existing two outbuildings on site, did not result in further harm to the openness of the Green Belt than the appeal proposal and therefore not substantiating a fallback position.

Consultation

8. Individual applications include statutory consultation periods.

References to Corporate Strategy

9. The Council's Planning Development Management team performs statutory planning functions as the local planning authority. The team assists in achieving objectives across the Corporate Strategy, including economic growth,

environmental protection, community development and delivering effective and efficient services. The planning appeals system is part of the local decision-making process.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

10. There are no direct financial implication arising from this report. The cost of defending appeals is covered by the Development Management budget. Lost appeals can result in additional financial implications if costs are awarded, for instance. This is projected and considered when setting the budget.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

11. There are no legal implications arising from this report.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning & Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

12. There are no direct economic implications arising from the report.

Background papers

- Item 294, Planning and Licensing Committee, 22 February 2022, Planning Appeals Update (December 2021 – January 2022)
- Item 253, Planning and Licensing Committee, 15 December 2021, Planning Appeals Update (July – November 2021)
- Item 90, Planning and Licensing Committee, 27 July 2021, Planning Appeals Update (February – July 2021)

Appendices to report

None

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.
- (i) To guide the Council in setting its policy objectives and priorities.
 - (ii) To carry out the duties and powers of the Council under current legislation;
 - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (v) To consider and approve relevant service plans;
 - (vi) To comply with the standing orders and financial regulations of the Council;
 - (vii) To operate within the budget allocated to the committee by the Council.
 - (viii) 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.