



Agenda

Planning Committee

Tuesday, 18 July 2023 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15
8AY

Membership (Quorum – 4)

Cllrs Mynott (Chair), M Cuthbert (Vice-Chair), Dr Barrett, Bridge, Mrs N Cuthbert, Mrs Francois, Gelderbloem, Gorton, Heard, McCheyne, Munden and Mrs Murphy

Substitute Members

Cllrs Barber, Barrett, Hirst, Laplain, Marsh and Sankey

Agenda

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Live stream to start at 7pm and available for repeat viewing.			
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6. Urgent Business

A handwritten signature in black ink, appearing to read 'Jonathan Stephenson', is written over a horizontal line.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
10.07.2023

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

Access to Information and Meetings

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

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

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

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

 **Private Session**

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

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  **Access**

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 **Evacuation Procedures**

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



Minutes

Planning Committee Tuesday, 27th June, 2023

Attendance

Cllr Mynott (Chair)	Cllr Gelderbloem
Cllr M Cuthbert (Vice-Chair)	Cllr Gorton
Cllr Dr Barrett	Cllr Heard
Cllr Bridge	Cllr McCheyne
Cllr Mrs N Cuthbert	Cllr Munden
Cllr Mrs Francois	Cllr Mrs Murphy

Apologies

Substitute Present

Also Present

Cllr Sankey
Cllr Mrs Davies
Cllr Dicker
Cllr North
Cllr Parker
Cllr Poppy

Officers Present

Phil Drane	- Director - Place	
Caroline Corrigan	- Corporate Manager (Planning Management)	Development
Julia Sargeant	- Senior Planning Officer	
Georgia Taylor	- Planning Assistant	
Zoe Borman	- Governance and Member Support Officer	

437. Apologies for Absence

No apologies had been received.

438. Minutes of the Previous Meeting

The Minutes of the last meeting held on Wednesday 22nd March 2023 were agreed as a true record.

The Chair proposed to vary the order of the agenda and hear Item 8, Ingatestone Railway Station, as the first application. This was agreed by Members.

439. INGATESTONE RAILWAY STATION, STATION LANE, INGATESTONE, ESSEX, CM4 0BW; APPLICATION NO: 23/00197/LBC

The application had been made by local member Cllr Sankey. Therefore, the item had been referred to Planning Committee in accordance with the provisions of Part 5.2, Part B – Planning Committee Procedures, 2.1(c) (pg.204 of the Constitution).

Listed Building Consent is sought for the “*construction of a blue plaque to the rear of the station building on the London bound platform*” at Ingatestone Railway Station.

Ms Julia Sargeant presented the report.

Cllr Sankey addressed the committee as the applicant who referred the matter.

Cllr Gorton spoke as Ward Councillor in support of the application and **MOVED** that the application be **APPROVED**. This was **SECONDED** by Cllr Mynott.

Following discussion Members voted as follows:

FOR: Cllrs Dr Barrett; Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Gorton, Heard, McCheyne, Munden, Murphy, Mynott (12)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED** subject to conditions outlined in the report.

440. CLAY HALL DAYS LANE PILGRIMS HATCH BRENTWOOD ESSEX CM15 9SJ; APPLICATION NO: 23/00207/FUL

This application had been referred to the Committee by Councillor Vicky Davies for the following reasons: condition 4 is very restrictive in that it doesn't allow any extensions or any alterations to the external appearance of the host dwelling. The condition is considered unreasonable and fails the test of a condition as set out in the framework and guidance.

Ms Julia Sargeant presented the report.

The applicant, Mr Jason Joplin, addressed the Committee in support of the application.

Cllr Davies, Ward Councillor, also spoke in favour of the application.

Members were sympathetic to the application, however, feared that should Condition 4 be removed, control of any future development via the planning process would be lost.

Cllr Mynott **MOVED** that the application be **REFUSED**. This was **SECONDED** by Cllr M Cuthbert.

Members voted as follows:

FOR: Cllrs Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Gelderbloem, Gorton, Heard, Munden, Murphy, Mynott (10)

AGAINST: Cllrs Francois, McCheyne (2)

ABSTAIN: (0)

The application was **REFUSED**.

441. PROPOSED 5G TELECOMS INSTALLATION: H3G 15M STREET POLE AND ADDITIONAL EQUIPMENT CABINETS APPLICATION NO: 23/00531/PNTEL

This application had been reported to the Planning and Licensing committee in accordance with the requirements of the Council's Constitution.

Miss Georgia Taylor presented the report.

Attempts had been made to contact the applicant, however, these were unsuccessful.

The Committee was mindful that 5G Telecom masts were needed within the borough, however, more suitable locations were required to be found. Members hoped for engagement between officers and the applicant to reach a speedy solution.

Cllr Bridge **MOVED** and Cllr Dr Barrett **SECONDED** that the application be **REFUSED**.

Members voted as follows:

FOR: Cllrs Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Gorton, Heard, Munden, Murphy, Mynott (11)

AGAINST: Cllr McCheyne (1)

ABSTAIN: (0)

The application was **REFUSED**.

442. 151 INGRAVE ROAD BRENTWOOD ESSEX CM13 2AA; APPLICATION NO: 23/00308/FUL

This application had been referred to Committee at the request of Cllr Tim Barrett for the following reason:

I believe this application should be discussed, considered and debated by the Planning Committee as the proposed changes would create a property similar to those in the immediate surroundings. I believe in this case we may be considering the change to the current building more than the resulting property after completion and its relation to the local landscape of properties.

Miss Georgia Taylor presented the report.

Following discussion Cllr Mynott **MOVED** for the application to be **REFUSED**. This was **SECONDED** by Cllr Murphy.

Members voted as follows:

FOR: Cllrs Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Gorton, Heard, McCheyne, Munden, Murphy, Mynott (11)

AGAINST: (0)

ABSTAIN: (0)

The application was **REFUSED**.

[Cllr Dr Barrett declared a non-pecuniary interest and did not vote.]

443. COPPICE BUNGALOW SCHOOL ROAD KELVEDON HATCH BRENTWOOD ESSEX CM15 0DL; APPLICATION NO: 22/01008/FUL

This application has been referred to Planning Committee by Kelvedon Hatch Parish Council on the following basis:

Our Council objected to this proposal most strongly on the grounds of over development, inadequate parking for three, four bedroom houses and the closeness to the adjacent SSSI. The footings of the houses will probably damage the trees in this protected site. This was supported by other bodies who look after these SSSIs.

Ms Julia Sargeant presented the report.

The Agent, Mr Ben Willis, spoke in support of the application.

Cllr Richard North from Kelvedon Parish Council addressed the Committee raising concerns such as viability of sustainability and ecology reports, overbearing and not in keeping with the surrounding area, limited public transport, parking and proximity to the SSSI.

Cllr Parker and Cllr Poppy Ward Councillors, spoke in support of the application and could see no planning reasons for refusal.

Cllr Bridge **MOVED** and Cllr McCheyne **SECONDED** that the application be **APPROVED**.

Cllr Mynott gave his reasons why he could not support the application and sited the difference in character of the proposed development to that in School Road; in his opinion, policy BE14 was not met, NE07 Part B also raised concerns as well as proximity of the SSSI.

Members voted as follows:

FOR: Cllrs Bridge, Francois, Heard, McCheyne, Murphy (5)

AGAINST: Cllrs M Cuthbert, N Cuthbert, Gelderbloem, Munden, Mynott (5)

ABSTAIN: Cllr Dr Barrett (1)

The Chair had the casting vote and the motion to **APPROVE** the application was **LOST**.

Cllr Mynott **MOVED** that the application be **REFUSED**. This was **SECONDED** by Cllr M Cuthbert.

Members voted as follows:

FOR: Cllrs M Cuthbert, N Cuthbert, Gelderbloem, Munden, Mynott (5)

AGAINST: Cllrs Bridge, Francois, Heard, McCheyne, Murphy (5)

ABSTAIN: Cllr Dr Barrett (1)

The Chair had the casting vote. The application was **REFUSED**.

[Cllr Gorton declared a non-pecuniary interest and did not vote.]

444. LAND TO THE SOUTH OF BASKEVYNS DAYS LANE DODDINGHURST ESSEX; APPLICATION NO: 22/01734/FUL

This application had been referred to Planning Committee at the request of Doddinghurst Parish Council, objecting to the development on the following basis:

- Buildings proposed are excessive for the use as shelters for alpacas and goats.
- The field is known to be wet, which is not conducive to keeping alpacas and goats.
- Animal welfare is a concern as there is no mention of a fresh water supply and the applicant lives some considerable distance from the site.
- This part of Days Lane is a Protected Lane according to BBC's published Local Plan 2016-2033 Policy Map 4. Although we appreciated that this is not a reason in itself for refusal, Clause 5.172 states that an assessment of material increases in motorised traffic will be required.
- The site lies within the Green Belt and the applicant has demonstrated no special circumstances which would outweigh harm.

Ms Julia Sargeant presented the report.

The Committee heard from an objector, Ms Smith.

The Applicant, Mr Senior, spoke supporting his application.

Cllr Dicker, Doddinghurst Parish Council, addressed the Committee, opposing to the application for reasons of excessive buildings for use; welfare of the animals; protected lane and green belt.

Cllr Parker, Ward Councillor, stated he could see no planning reasons for refusal.

Cllr Gelderbloem also spoke as Ward Councillor, raising concerns regarding animal welfare and the use of the buildings.

Officers confirmed that the buildings were for agricultural use only and Alpacas were classed as livestock.

Following discussion Cllr Dr Barrett **MOVED** and Cllr Mynott **SECONDED** that the application be **APPROVED**.

Members voted as follows:

FOR: Cllr Dr Barrett, Bridge, M Cuthbert, N Cuthbert, Francois, Gelderbloem, Heard, Munden, Murphy, Mynott (10)

AGAINST: (0)

ABSTAIN: Cllr Gorton (1)

The application was **APPROVED**.

[Cllr McCheyne declared a non-pecuniary interest and did not vote].

445. Urgent Business

There were no items of urgent business.

The meeting concluded at 21:05

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SITE PLAN ATTACHED

TELECOMS INSTALLATION ADJACENT TO 2 ORCHARD AVENUE BRENTWOOD ESSEX

PRIOR APPROVAL NOTIFICATION: INSTALLATION OF 16M HIGH SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 3 NO. EQUIPMENT CABINETS, AND ANCILLARY DEVELOPMENT THERETO INCLUDING 1 NO. GPS MODULE AND 12NO. CONCRETE PAVERS.

APPLICATION NO: 23/00591/PNTEL

WARD	Brentwood South	8/13 WEEK DATE	31 July 2023
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CASE OFFICER Mr Mike Ovenden

Drawing no(s) relevant to this decision: BRW25327_BRW080_CM1082_M001/A;
BRW25327_BRW080_CM1082_M001/A EXISTING SITE ELEVATION A; BRW25327_BRW080_CM1082_M001/A PROPOSED BLOCK PLAN;
BRW25327_BRW080_CM1082_M001/A 260 PROPOSED ELEVATION A;

The application is reported to the Planning Committee in accordance with the requirements of the Council's constitution.

1. Proposals

The application relates to a permitted development proposal for a 16 metre monopole mast, three equipment cabinets (1no 1.91m long x 0.68m wide x 1.76m high; 1 no 0.6m x 0.5m x 1.6m high; 1 no 0.71m x 0.65 m x 1.12m high) and associated ancillary works (see drawing 260 Proposed Site Elevation A) by a telecommunications code system operator (in this case CK Hutchison Networks (UK) Ltd known as 'Three').

To provide the technologies proposed at this location - 3G, 4G and 5G – 6 antennas are required at the top of the slim-line monopole. These are split into a dual stack formation where 3 antennas would be located at the top and the other 3 would be located underneath. The 3 upper antennas would provide new 5G service provision. The 3 lower antennas would provide 3G and 4G technology. The mast and cabinets would be finished in RAL 6009 (Fir Green).

The site is part of the grass verge, between the carriageway and the footway, to the east of the roundabout junction of Ingrave Road and Orchard Avenue. The existing masts on Ingrave Road are unaffected by the proposal.

2. Policy Context

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

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.

- Policy BE06: Communications Infrastructure
- Policy BE12: Mitigating the Transport Impacts of Development
- Strategic Policy BE14: Creating Successful Places

National Planning Policy and Guidance

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

3. Relevant History

- NA

4. Neighbour Responses

This application was publicised by a site notice, a press notice and 13 neighbour letters.

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/>

- None received at time of drafting report

5. Consultation Responses

- **Environmental Health & Enforcement Manager:** I have no comments.
- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February 2011

- **Basildon Fire Station:**

Access: From the information available it appears that the proposal will not affect Fire Service access to existing premises in the vicinity.

Water Supplies: From the information available it appears that the proposal will not affect existing water supplies / fire hydrants or the Fire Service's access to them.

This Fire and Rescue Authority therefore has no further observations on the proposal at this time.

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e. has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. Prior to exercising permitted development rights, operators must apply to the local planning authority for a determination as to whether the prior approval of the Council will be required for two issues – 1) the siting and 2) the appearance of the development. This is what the application seeks to establish. If prior approval is required, the local planning authority then determines whether those details are acceptable.

The committee is aware that the determination period for this type of application is limited to a maximum of 56 days, unless extended by agreement, and if no decision is made within that period the developer may proceed without delay. In this case no extension of time has been requested as there is an appropriate committee meeting within the 56 day period.

Planning Policy

When determining a planning application, the local planning authority will consider all relevant policies in their entirety as the starting point. In contrast, the General Permitted Development Order does not require that regard be had to the Development Plan when determining this type of permitted development prior notification application. However, it is accepted practice that the policies of the Brentwood Local Plan 2016-2033 are relevant but only insofar as they relate to the siting and appearance of the proposed development. This means that elements of relevant policies relating to broader matters, for example the principle of the development, are not material to considering this type of application.

Policy BE06 advocates using existing sites, avoiding development which has an unacceptable effect on the appearance of the building and avoiding harm to sensitive areas for example green belt or other sensitive locations, including those of special landscape value or historic interest.

Policy BE14 is a general design policy that supports development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

Consideration of the proposal

As indicated above, the issues to consider with this type of application are very limited and only relate to the following:

- whether the prior approval of the local planning authority is required for the siting and appearance of the development.
- If prior approval is required whether the submitted details are acceptable.

While the siting and appearance of this form of development are separate issues they often work together to shape the overall acceptability/unacceptability of a proposal. However, each aspect need is considered below.

Siting

The applicant has provided information about the need for a mast in this locality, including identifying areas of no/low signal which this proposal would address. It has identified other sites which have been discounted for reasons of character and amenity of the area. Officers consider that those other sites would be more damaging than the application site.

The applicant has provided details of siting of the mast and equipment cabinets with the application. The proposal is adjacent to one of the main entrances to the estate, about

25 metres from its junction with Ingrave Road. A group of trees of up to 20 metres in height immediately to the north would provide a partial backdrop and some softening notably in the summer months of the mast. The cabinets though visible would have less impact than the mast. There are various sign posts and street lighting nearby; however, these are much lower in height and slimmer than the column proposed. The proposal would have some limited detrimental effect on the character of the area.

The highways authority has no objections to the proposal.

Appearance

The applicant has included details of the appearance of the proposal. It is designed to be functional and in common with other telecommunications installations, could not be described as attractive. However, that is not the test to be applied. The appropriate test is whether its appearance is acceptable. The mast is a slim monopole without shrouding. As discussed when considering previous submissions elsewhere, 5G equipment is significantly less tolerant of coverings, camouflage or screening than previous technologies. This has led to the pared back appearance of the proposed mast. On the other hand it is less bulky than commonly used 'cigarette holder' masts used in previous generation networks (such as on Ingrave Road). The applicant has said that the proposal has been designed to be as tight as possible and virtually the same width as the main column, to minimise its visual appearance. Furthermore, the applicant advises that this is the slimmest design possible which will enable all the multi technologies to be supported from this site; if the column and shroud width were to be any slimmer then the technology would not fit in the one column and another radio base station would be required. At sixteen metres in height, it would be lower than the estimated height of the nearby group of trees. The proposed cabinets are of different shapes and sizes though collected into a neat group. The application indicates that these would be Fir Green (RAL 6009) which would be appropriate.

In common with the comments on siting, overall the appearance of the proposal would have some limited detrimental effect on the character of the area.

The Planning Balance

The identified harm must be balanced against the public benefits of the development. The test therefore is whether the benefits outweigh the harm identified above. The Government strongly supports telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. The proposal would provide significant public benefits in the form of maintaining and improving network coverage and enabling future technologies. Policy BE06 similarly supports telecommunications infrastructure, though with certain caveats identified above. The applicant has stated that the proposal would improve 3G and 4G networks in the area and enable 5G technology. Operators not only have a license requirement to provide a high level of 3G/4G coverage to the population but are obliged to meet the growing consumer demand for 5G coverage.

The applicant has stated that there are no existing suitable telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area. Similarly, there are no buildings which are suitable and available that the operator could utilise to operate their equipment. Therefore, a new ground based installation is required. The applicant advises that “Without this new site, the operator’s customers would continue to experience an increase in numbers of dropped calls and buffering unable to access the internet on their handheld devices. They would also not be able to access the 5G network, a demand which is increasing rapidly as customers update their handheld devices to ones that are 5G compatible”.

On this occasion it is considered that the harm is outweighed by the advantages. However, ultimately the decision on this type of application rests on the relative weight given to the harm and benefits of a proposal.

Other Matters

A Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines has been submitted with the application. This declaration certifies the cumulative exposure as a result of the development would not exceed international guidelines and the development would therefore not be detrimental to public safety. It is the long standing position of the Government that if the developer provides a declaration that the equipment complies with ICNIRP standards local planning authorities should not consider the matter further. Officers support that view.

Outside the planning system, all operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation, or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development and for the reasons given above this proposal meets the requirements of policies BE06 and BE14 and this application is recommended for approval.

7. Recommendation

Prior approval **is not required** for siting and appearance.

Informative(s)

1 This decision relates solely to whether prior approval is required of siting and appearance of the development. It does not confirm whether the proposed development complies with other conditions or limitations in the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 16, Class A – electronic communications code operators), or whether the proposal would be lawful. As such you may wish to submit an application for a certificate under s.192 to confirm the lawfulness of the proposal.

2 Under Class A(11), the development must be completed within a period of 5 years starting with the submission date of the prior notification application.

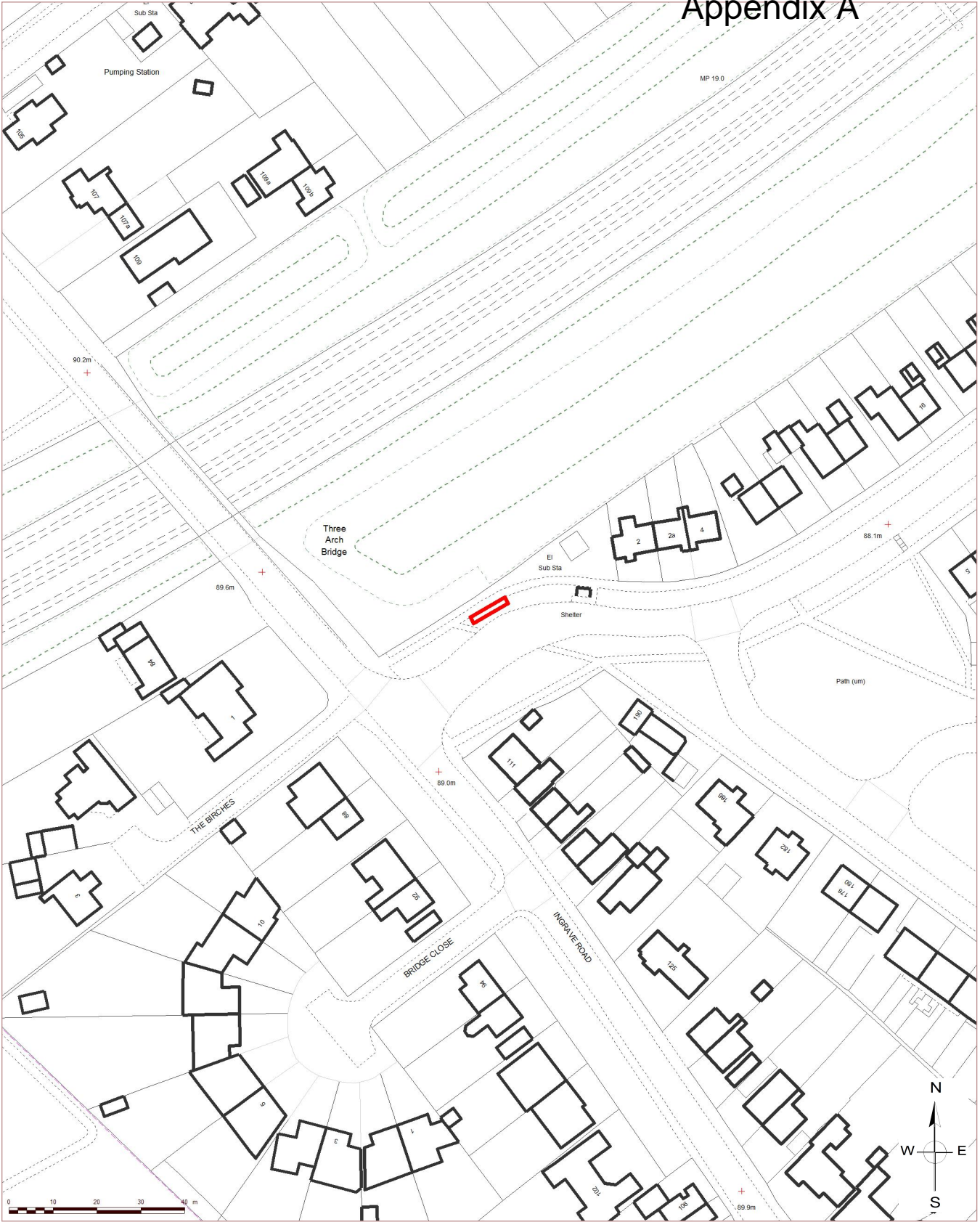
3 Under Class A(9) The development must be carried out in accordance with the details provided in the application.

BACKGROUND DOCUMENTS

DECIDED:

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Appendix A



Title : Telecoms Installation Adjacent to 2 Orchard Avenue, Brentwood, Essex

23/00591/PNTEL

Scale at A4 : 1:1250

Date : 18th July 2023

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



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SITE PLAN ATTACHED

LEGH COTTAGE HORSEMAN SIDE NAVESTOCK ROMFORD ESSEX RM4 1DN

DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF TWO DETACHED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY AREAS.

APPLICATION NO: 23/00480/FUL

WARD	Brizes & Doddinghurst	8/13 WEEK DATE	14 June 2023
PARISH	Navestock	Ext of time	tbc
CASE OFFICER	Ms Brooke Pride		
Drawing no(s) relevant to this decision:	881-01; 881-02; 881-03; 881-04; 881-05; 881-09; PLANNING STATEMENT;		

This application has been referred to committee following a request from Navestock Parish Council. When submitting its request, the Parish Council said the following:

- The design of the dwellings are sympathetic to the rural setting.
- The proposed dwellings are not inappropriate development in this area of the Parish where the property in question is nestled in between 5 traveller sites.
- These 2 well designed dwellings will not impact on the openness of the greenbelt, but in fact will enhance an area where greenbelt policies and its openness have been ignored by those who have purchased the surrounding land.
- Its position offers accessibility to nearby amenities by car.

1. Proposals

Planning permission is sought for the demolition of a single storey storage building and construction of two detached, two storey dwellinghouses, with associated parking and gardens.

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.

- Policy MG02 Green Belt
- Policy MG03 Settlement Hierarchy
- Policy BE02 Water Efficiency and Management
- Policy BE04 Managing Heat Risk
- Policy BE07 Connecting New Developments to Digital Infrastructure
- Policy BE11 Electric and Low Emission Vehicle
- Policy BE12 Mitigating the transport impacts of a proposal
- Policy BE13 Parking Standards
- Policy BE14 Creating Successful Places
- Policy HP06 Standards for New Housing

National Planning Policy and Guidance

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

3. Relevant History

- 20/01182/S191: Application form for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition for the use of a storage building and workshop for domestic purposes. – Not Lawful/Appeal Allowed -
- 20/00283/S191: Application form for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition for the use of a storage building for domestic purposes. – Not Lawful
- 21/00359/FUL: Siting of mobile home for period of three years (retrospective) – Refused
- 23/00980/PNCOU – Prior Notification Class Q for the conversion of existing agricultural storage building to one dwellinghouse – Refused on the basis that the building concerned was not used as an agricultural unit on 20th March 2013 – Appeal in progress

4. Neighbour Responses

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

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

Six neighbouring properties were notified. No comments received

5. Consultation Responses

- **Highway Authority -**

The information that was submitted in association with the application has been fully considered by the Highway Authority. The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users. The proposal will result in intensification of an unsuitable vehicle access and the access is not provided with the required vehicular visibility splays as explained in the notes below, therefore:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the proposed vehicular access. The proposal would therefore lead to a substandard access onto Horseman Side resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety.
2. The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users.

The proposal is therefore contrary to policy DM1 and DM3 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

The site currently features an existing dwelling and barn for personal use and two existing vehicle accesses. The proposal includes the subdivision of the site, removal of the barn, and creation of two additional 4-bed dwellings. Off-street parking spaces and a shared turning area are included for the two dwellings.

The western access is to be utilised but would now serve two additional individual dwellings, which constitutes an intensification in use of the access which currently has limited visibility.

Access:

Horseman Side is classified as a Secondary Distributor Road in Essex County Council's Development Management Route Hierarchy. The function of such a route is to carry traffic safely and efficiently between substantial rural populations and on through built-up areas. The Highway Authority will protect the function of Secondary Distributors by, amongst others:

- v. Requiring improvements to existing substandard accesses.

Any new or intensified vehicular access on any road is required to demonstrate that visibility splays can be provided in accordance with the appropriate highway standards. The proposed vehicle access to the development site is located on Horseman Side where the speed limit is 60mph. In this instance the visibility splays must comply with the Design Manual for Roads and Bridges (DMRB) which means 215 metres in each direction, as measured from and along the nearside carriageway, from a setback of 2.4m from the carriageway edge.

The visibility splays for the vehicular access must be clear to ground and are only acceptable where they pass over land in the applicant's control and / or over highway land. The applicant has not provided evidence that this is achievable.

The applicant can seek a highway boundary plan from ECC Highway Records. For more information on this service, please follow this link:

<https://www.essexhighways.org/highway-schemes-and-developments/adoptions-and-land/highway-status-enquiries.aspx> and / or email highway.status@essexhighways.org who will be able to provide details.

The Highway Authority may be able to consider a revised proposal with reduced visibility splays should the applicant be able to provide evidence that observed 85th percentile speeds are lower than the advertised speed limit. This would need to include the following:

i i. Details of the access, complete with the provision of a Transport Statement to include a speed survey according to DMBR's 'CA 185 Vehicle Speed Measurement' document.

(A suitably qualified service provider with properly calibrated vehicle speed measuring equipment must carry out the survey.)

i ii. A plan showing appropriate visibility splays and the speed measurement location point must be appended to the speed survey results.

The outcome of the survey would determine the exact visibility splays required for the measured vehicle speeds.

- **Environmental Health & Enforcement Manager -**

Noise and Dust considerations:

A suitable Construction Environmental Management Plan will need to be drafted, submitted and agreed by the local Planning Authority. This plan must take into account (amongst other environmental matters) controls relating to dust suppression, noise and potential contaminated land issues.

Matters to be taken into consideration should include:

- o Provisions made for the control of construction, demolition and vehicle noise emanating from the site. These provisions could include physical and/or administrative measures.
- o Control of dust from construction and demolition activities.
- o To reduce disturbance to nearby properties, Environmental Health would recommend restricting construction and demolition activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays.

Contaminated Land considerations:

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

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.

- **Parish Council-**

Navestock Parish Council supports the above application for two detached dwellings with associated parking and amenity areas.

The design of the dwellings is sympathetic to a rural setting and are not considered to be inappropriate development in this area of the Parish.

The small development will not impact on the openness of the Green Belt and its position offers accessibility to nearby amenities.

Therefore, Navestock Parish Council fully support this application.

6. Summary of Issues

The application site is in a rural area, on the southern side of Horseman Side. It is partly occupied by the main dwellinghouse 'Legh Cottage' and ancillary buildings within its residential curtilage of Legh Cottage. These would remain. The site includes a storage building and an area of grassland within the applicant's ownership, but outside of what is considered to be the residential curtilage - as confirmed within the Planning Inspectors report of an appeal against the refusal of a Certificate of Lawfulness (reference 20/01182/S191 & APP/H1515/X/21/3277546). The application red line on the location plan contains a total area of approximately 1.5 hectares.

Regarding the above appeal, it established the lawfulness of the building now proposed to be replaced, which was erected without the necessary planning permission. The appeal was allowed because the Inspector considered that the building had been in situ for more than 4 years and therefore was immune from Enforcement action. That is the sole issue for lawful development certificates relating to existing developments. Therefore, the building does not benefit from planning permission but is 'lawful'.

The existing building is an L shaped unit single storey building of an industrial appearance. As such, the Council accepts that part of the site is considered to constitute previously developed land (PDL). However, it should be noted that the wider area labelled 'playing field' on the submitted site location plan 8814-01 is considered not to be previously developed land.

It is also noted that the submitted block plan 8814-02 incorrectly plots the existing building in its relationship to the main dwelling and conflicts with the position shown on drawing 8814-01.

The Development Plan

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

Green Belt

Policy MG02 indicates that national policy relating to the green belt will be applied in the borough. Chapter 13 of the NPPF relates to the protection of Green Belt land. Paragraph 137 states that the Government attaches great importance to Green Belts and the protection of its essential characteristics – its openness and permanence.

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. Paragraph 147 states that where development is considered to be inappropriate, this is by definition harmful to the Green Belt and should not be approved except in very special circumstances (VSC). However, VSC will not exist unless the potential harm is clearly outweighed by other considerations, and any other harm resulting from the proposal, is *clearly* outweighed by other considerations (*officers' emphasis*).

The NPPF stipulates that new buildings are inappropriate development in the Green Belt, unless one of a short list of quoted exceptions in paragraph 149. Of those listed, the most relevant to this proposal is 149(g) i.e:

“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.”*

The proposal does not relate to limited infilling, nor is affordable housing provision proposed. Therefore, the second bullet point can be discounted.

It is considered that part of the site the site is previously developed land, and therefore para 149 (g) may be relevant, although it is not accepted that the entire site as depicted in drawing 8814-01 is previously developed land (PDL).

Green Belt Openness

Openness has a spatial and visual quality, normally considered to be the lack of buildings. Paragraph 149g (NPPF) quoted above implicitly requires a comparison between current and proposed developments. The applicant has quoted footprint, floorspace and volume. The submitted numerical data indicates that the volume and floor space of the proposed development would be less than the existing building. As stated in similar reports there is no statutory basis for relying on such figures, they are potentially misleading and are a poor proxy for judging openness. For example, it ignores the point that the proposed buildings are more than twice the height of the existing one.

Officers consistently advise that the appropriate method to assess a proposal in comparison with an existing development is a visual comparison of the massing/silhouette, spread and position of existing and proposed buildings. This approach follows that in the National Planning Practice Guidance (NPPG) which is based on case law.

No massing study or model has been provided to illustrate the comparison between the existing and proposed development. A visual overlay using the submitted (inaccurate) block plan indicates that the proposed development would extend to the west of site. Notwithstanding the gap between the buildings the overall spread of the buildings would be detrimental to the openness of the Green Belt. Importantly the existing building are

described by the applicant as having an eaves height of 2.3 metres and ridge height of 3.92m. The proposed dwellings would be two storey buildings and their dimensions scale from submitted plans at 8.5 metres ridge height and 5.0 eaves.

The proposal fails the test of Local Plan Policy MG02 and NPPF policy and would have a greater effect on openness. As such, it is inappropriate development in the Green Belt. In order to grant planning permission, very special circumstances would need to exist to clearly outweigh the other harm of the development.

Design, Character and Appearance

The two dwellings replicate each other, a two storey dwellinghouse with a central oak framed porch, with no details of materials, however these could be sought through planning condition.

The proposed development is of an urban form and appearance, with no reference to local farmstead and rural typologies, varied roof lines, and articulation within its form. The proposed development has not considered the local context of the site, the siting is derived from the existing dwellinghouse and urban in its form, with no architectural detailing or finesse, there is also a lack of reference to the rural character of the area. The appearance of the dwellings is of a generic farmhouse and residential estate typologies. However, the design is not offensive. However, in eroding the openness of the site it would detract from one of the characteristics of the locality which is openness and to that extent fail to comply with Policy BE14. While the Parish Council's justification for the application to be determined by committee implies a criticism of other developments in the locality, it would not be correct to conclude that the area has lost its openness and as indicated above the proposed development in comparison to the existing development would further detract from it.

Impact upon Neighbour Amenity

The proposed dwellinghouses' location and relationship with the existing development 'Legh Cottage' is not considered to give rise to overlooking or loss of privacy. The dwellings are well distanced and set away from existing residential development on the site and would not result in an overbearing impact. The dwellings include no first floor side facing windows and the proposal would not lead to a material noise or general disturbance effect detrimental to the amenities of neighbours.

Living Conditions

The proposed buildings are to comply with the nationally described space standard (2015). Bedrooms would be provided with adequate floor areas, ventilation, light and outlook. There is no inter-looking between the two plots and proposed boundary treatments will provide each dwelling with a private amenity space unoverlooked.

In terms of amenity areas, the Essex Design Guide (EDG) advises that suitable space are required to be private for the purposes of domestic activities. Here, the proposal would provide adequate areas for such purposes for each dwellinghouse.

Sustainability Considerations

The proposal includes solar panels within the rear slopes of the roof space and very limited information is provided in the design and access statement on how the proposed buildings have a sustainable approach, however it is considered that the aims of the Councils sustainability policies could be sought through condition and therefore the scheme is considered to be compliant with policies BE02, BE04 and BE07 of the BLP.

Trees and Landscaping

The development area is open land with no nearby mature or protected trees. The proposal does include additional planting and boundary treatments which details can be sought through condition.

Parking and Highway Considerations

Horseman Side is classified as a Secondary Distributor Road in Essex County Council's Development Management Route Hierarchy. The function of such a route is to carry traffic safely and efficiently between substantial rural populations and on through built-up areas. The Highway Authority requires improvements to any existing substandard accesses which development is proposed to use or alter. The access is required to demonstrate that visibility splays can be provided in accordance with the appropriate highway standards. The existing access is located on Horseman Side a 60 mph road and the visibility required from the access is 215 metres in each direction which is measured from a setback of 2.4 metres from the carriageway edge.

The visibility splays for the vehicular access must be clear to ground and are only acceptable where they pass over land in the applicant's control and / or over highway land. The highway authority has assessed the splays from the existing access and the required splays cannot be achieved.

The proposed development results in an intensification of the use of the existing access which has limited visibility and would therefore lead to a substandard access onto Horseman Side resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety; in conflict with local policy BE12.

Policy BE11 requires the provision of, as a minimum, the space and infrastructure for electric vehicle charging / plug-in points for occupants and visitors to the application site in order to reduce pollution and climate change impacts. This is a key requirement for a large-scale transition to electromobility envisioned within the plan. A condition to this effect could be imposed.

Other Matters

No neighbour objections were received for this application, and supporting comments received from the Parish Council, however the development as assessed within the report would result in inappropriate development in the Green Belt.

Green Belt Balance

The applicant while noting that the previous local plan was revoked in March 2022 has nevertheless quoted its policies.

Very special circumstances need to clearly outweigh the harm to the Green Belt by reason of inappropriateness (para 148, NPPF). This is a much higher threshold than an 'on balance' judgement. Within the design and access statement point 4.5 states that a very special circumstance exists because the proposal would have limited material visual impact upon the surrounding area and the development will result in a considerable reduction in volume, floor space, height and visual impact.

The applicant claims very special circumstances thereby accepting that the proposed is inappropriate development. If that were not the case, there would be no need to consider very special circumstances. As the decision maker, the Council, needs to decide whether the matters put forward by the applicant are individually or collectively clearly outweigh the harm to the green belt and all other harm and if it does not reach that threshold are not considered 'very special circumstances'.

The applicant has not really addressed this issue, though has commented that "the proposal would result in a considerable reduction in volume, floorspace, height and visual impact in the green belt". Some matters in this list are self evidently not true – for example relating to height – and others are addressed above. It is claimed that "the current proposals would have a limited material visual impact on the surroundings", though not explained how this is the case given the greater spread and height of the proposed buildings. Further it is claimed "A very special circumstance therefore exists in this instance that would outweigh the harm by inappropriateness" and "The principle of development in this case is therefore acceptable.", both without further explanation. With regard to Sustainability the applicant says "The houses would incorporate a number of carbon neutral features" but without explanation.

Officers consider that very special circumstances do not exist to clearly outweigh the identified harm.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be contrary to policies MG02 and BE14 of the BLP and the aims and objectives of the NPPF. Consequently, the proposed development is recommended for refusal.

6.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1 Inappropriate development within the Green Belt

The proposed development by virtue of the spread and volume of built form would amount to inappropriate development within the Green Belt and constitute urban sprawl therefore failing to safeguard the countryside from encroachment. The proposed development would have a greater impact upon Green Belt openness than the existing development and is contrary to policy MG02 of the Brentwood Local Plan and the aims and objectives of the National Planning Policy Framework. There are no very special circumstances identified that clearly outweigh the harm to the openness or character of the Green Belt and all other harm which would arise from this development.

2 Highway dangers

The proposed vehicular access is not provided with the required vehicular visibility splays and would therefore lead to a substandard access onto Horseman Side resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety; in conflict with local policy BE12.

Informative(s)

1 Relevant policies

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, MG02, MG03 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF24 Refused With Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the

Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

Documents:

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

<https://www.brentwood.gov.uk/-/applicationsviewcommentandtrack>

Appendix A



Title : Legh Cottage, Horseman Side, Navestock, Romford, Essex RM4 1DN

23/00480/FUL

Scale at A4 : 1:2500

Date : 18th July 2023

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



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PLANNING COMMITTEE

18 JULY 2023

REPORT TITLE:	Planning Appeal Performance Statistics (2022/23)
REPORT OF:	Phil Drane, Director of Place

REPORT SUMMARY

This report reproduces data extracted from nationally published appeal performance figures for planning authorities in Essex for the twelve months up to March 2023. This data is provided in a table extract from the Planning Inspectorate (Appendix A). This supplements regular appeal updates provided to the committee.

RECOMMENDATIONS

That the committee notes Brentwood Borough Council's planning appeals performance during 2022/23 (Appendix A).

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

1.1 The committee has on a number of occasions requested comparative data on the performance of Brentwood and other Essex authorities regarding planning appeals. The data provided in Appendix A provides this information.

2.0 OTHER OPTIONS CONSIDERED

2.1 Other forms of data have been presented to the committee, but there has been difficulties obtaining comparable data across authorities and different methods of displaying the data can change its apparent meaning. Using the annual data published by the Planning Inspectorate in its raw form avoids both pitfalls, but is only available on an annual basis.

3.0 BACKGROUND INFORMATION

3.1 In interpreting the data provided Appendix A, the committee should bear in mind that in addition to the merits of any individual case, appeal performance

is affected by the planning circumstances that relate to that individual local planning authority. For example, factors such as whether the local planning authority has an up to date development plan, has a five year land supply, achieves appropriate levels of housing delivery and whether it has green belt. They all affect the weight given to its development plan including whether the 'tilted balance' is invoked in planning decisions.

- 3.2 Across the county, there are authorities that have up to date development plans, some that have plans that are considered out of date, some authorities are predominantly green belt, others have none, with others in between. The figures show that Brentwood is better than the average (mean) of other Essex authorities in all measures except for split decisions (where an Inspector part dismisses, and part allows an appeal), a power local planning authorities don't have, although there is a single householder appeal and a single enforcement case where that has occurred. Split decisions are rare. They tend to involve an inspector 'agreeing with the local planning authority' by preventing the objectionable part of the development and allowing the non-contentious element. Brentwood performs well regarding both having a lower than average number of appeals and winning slightly more than the overall number of appeals, than other Essex authorities.
- 3.3 However, as is regularly reported to the committee, a local planning authority's 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. It is not a simple majority calculation. It is measured separately for Majors and Non-Majors, with a maximum allowable 'loss rate' of ten percent of the total number of applications of that type determined. The measure relating to Major appeals is challenging due to the low number of such applications that smaller authorities tend to receive in contrast to the measure for Non-Majors. However, there is currently no basis for concern regarding either measure in Brentwood borough, though this is reviewed regularly. Brentwood has lost a single major appeal, giving a 2.2% figure.
- 3.4 Local authorities that lose more than ten percent are liable to being put into special measures which can involve losing part of their planning function, for example where applicants can apply direct to the Planning Inspectorate rather than to the local planning authority. Nationally five district authorities are at risk of be placed into special measures through poor major appeal performance (having a loss rate of between 12.2% and 20%) in the two years to March 2022. None of those currently at risk are in Essex, although Uttlesford is currently in special measures. Nationally no local authority is near the ten percent loss rate for non-majors.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources (and Section 151 Officer)
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

- 4.1 There are no financial implications 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.

5.0 LEGAL IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance (and Monitoring Officer)
Tel & Email: 01277 312500 / claire.mayhew@brentwood.rochford.gov.uk

- 5.1 There are no legal implications arising from this report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Defending appeals and monitoring performance is undertaken by the Planning Development Management team, resourced by people and relevant support systems.

7.0 RELEVANT RISKS

- 7.1 Monthly performance indicator monitoring is undertaken to measure the number of lost appeals. Annually the council's target is to be below 31% of all appeals lost. As set out in this report, the Government use different measures to determine appeals performance, and these are also monitored by the council. The council's performance is generally good, resulting in levels at or below the target for recent years. The risk of exceeding this target is that the Government may choose to intervene, although it is likely that persistent poor performance would need to be demonstrated for such an outcome.
- 7.2 Annual measurement provides a more rounded view. As is often reported in updates to the Planning Committee, reporting on shorter timeframes can provide more regular detailed information, but often presents large fluctuations in the overall number of appeals and decision outcome.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Individual applications include statutory consultation periods.

9.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email: 01277 312500 / kim.anderson@brentwood.gov.uk

9.1 There are no equality and diversity implications arising from this report.

10.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email: 01277 312500 / phil.drane@brentwood.rochford.gov.uk

10.1 There are no direct economic implications arising from the report. Individual development schemes subject to the appeals process may deliver local economic benefits.

REPORT AUTHOR:

Name: Mike Ovenden

Title: Associate Consultant Planner

Phone: 01277 312500

Email: mike.ovenden@brentwood.gov.uk

APPENDICES

- Appendix A: Extract from Table 5.1a and 5.1d, Source: Planning Inspectorate annual statistics (2022/23)

BACKGROUND PAPERS

- None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee, Item 435, 'Planning Appeals Update (December 2022 – February 2023)'	14/03/2023
Planning Committee, Item 319, 'Planning Appeals Update (September – December 2022)'	17/01/2023
Planning Committee, Item 164, 'Planning Appeals Update (June – August 2022)'	29/09/2022

Planning Committee, Item 60, 'Planning Appeals Update (February – May 2022)'	28/06/2022
Planning and Licensing Committee, Item 294, 'Planning Appeals Update (December 2021 – January 2022)'	22/02/2022
Planning and Licensing Committee, Item 253, 'Planning Appeals Update (July – November 2021)'	15/12/2021
Planning and Licensing Committee, Item 90, 'Planning Appeals Update (February – July 2021)'	27/07/2021

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Extract from Table 5.1a and 5.1d

Decisions by local planning authority - Essex - s78 planning appeals, Householder appeals and s174 Enforcement Notice appeals

England April 2022 to March 2023^P

Last update Apr-23

Next update Apr-24

Local planning authority	s78 planning appeals number decided	s78 planning appeals number allowed	s78 planning appeals split decision	s78 planning appeals % allowed	Householder appeals number decided	Householder appeals number allowed	Householder appeals split decision	Householder appeals % allowed	s174 enforcement notice appeals number decided	s174 enforcement notice appeals upheld or varied	s174 enforcement notice appeals split decision	s174 enforcement notice appeals % quashed or granted
Basildon	48	18	0	38%	12	3	0	25%	52	33	0	37%
Braintree	57	20	0	35%	15	11	0	73%	6	3	1	50%
Brentwood	35	12	0	34%	11	3	1	27%	7	6	1	14%
Castle Point	7	2	0	29%	19	8	0	42%	0	0	0	-
Chelmsford	30	7	0	23%	24	5	1	21%	5	1	2	80%
Colchester	38	8	0	21%	14	1	0	7%	5	3	0	40%
Epping Forest	79	32	1	41%	44	18	2	41%	36	12	4	67%
Harlow	11	7	0	64%	8	2	0	25%	1	1	0	0%
Maldon	43	18	1	42%	29	13	0	45%	0	0	0	-
Rochford	13	7	0	54%	6	1	0	17%	7	2	0	71%
Southend-on-Sea	24	4	0	17%	20	8	1	40%	2	0	0	100%
Tendring	41	8	0	20%	8	4	0	50%	2	0	0	100%
Thurrock	26	11	0	42%	25	9	1	36%	7	4	0	43%
Uttlesford	82	21	0	26%	10	2	0	20%	0	0	0	-

Source: Planning Inspectorate annual statistics

[Quarterly Annual Stats - Q4 22-23 - Accessible version 2.xlsx \(live.com\)](#)

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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

Terms of Reference 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.

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