

Minutes

Planning and Licensing Committee Tuesday, 24th January, 2017

Attendance

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

Cllr Mrs Middlehurst
Cllr Mrs Murphy
Cllr Mynott
Cllr Newberry
Cllr Ms Sanders

Apologies

Cllr Morrissey

Substitute Present

Also Present

Cllr Russell
Cllr Pound
Cllr Lockhart
Cllr Foan

Blackmore, Wyatts Green and Hook End Parish Council
West Horndon Parish Council

Officers Present

Paul Adams
Caroline McCaffrey
Phil Drane
Claire Mayhew
Sonia Sharp
Nick Howard
Kathryn Mathews
Lorne Spicer
Tessa Outram
Paulette McAllister

Principal Licensing Officer
Development Management Team Leader
Planning Policy Team Leader
Governance and Member Support Officer
Planning Solicitor
Senior Planning Officer
Senior Planning Officer
Business Development and Communications Officer
Graduate Planner
Principal Design and Conservation Officer

245. Apologies for Absence

Apologies were received by Cllr Morrissey, no substitute was present.

246. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee 13th December 2016 were approved and signed as a true record.

247. Fees and Charges - Licensing

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

Cllr McCheyne MOVED and Cllr Rowlands SECONDED an amendment to the recommendation to state:-

- 2.1 Adopt the licence fees as detailed in Appendix A, except for the Hackney Carriage and Private Hire Fees and Charges.**
- 2.2 The Committee agree that there should be a consultation with the TTCG in relation to the proposed Hackney Carriage and Private Hire Fees and the outcome of the consultation is reported to the Policy, Finance and Resource Committee.**

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

- 1. Adopt the licence fees as detailed in Appendix A, except for the Hackney Carriage and Private Hire Fees and Charges.**
- 2. The Committee agree that there should be a consultation with the TTCG in relation to the proposed Hackney Carriage and Private Hire Fees and the outcome of the consultation is reported to the Policy, Finance and Resource Committee.**

REASON FOR RECOMMENDATION

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

248. Fees & Charges - Planning and Building Control

The report sets out the Council's Planning and Building Control non-statutory fees and charges. Planning fees are set by central government and building fees continue to be led by market conditions.

It is also proposed to review the planning pre-application charging schedule on a quarterly basis and make adjustments to those fees where appropriate, to reflect the quality of service and resources provided. Otherwise, building control fees and other non-statutory fees will be reviewed on an annual basis.

There are no proposed fee increases to either Building Control, Local Land Charges, or to photocopying charges.

Cllr Hubbard queried why Design Panel Review Fees were listed as “negotiable” in the Appendix. Mr Drane explained that this is due to the potential for variance in terms of officers involved (hourly rate) and resource required as each session is tailored to the proposed scheme. Further guidance will be made available on the Council web-site.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Ms Rowland to approve the recommendation in the report.

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

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

REASON FOR RECOMMENDATION

Ongoing budget constraints facing the public sector continue to be a factor in Council services seeking to generate income wherever possible to contribute to the provision of high quality services to residents and businesses. At this juncture it is not considered that an increase to non-statutory fees and charges is required, but this should continue to be reviewed on a regular basis and adjusted to reflect both the level of demand from the development industry and the Council’s resources to provide a high standard of service. It is therefore proposed that all Planning and Building Control non-statutory fee income continues to be ring-fenced to the Planning and Development service area in order to justify charges and reassure applicants that the service they are paying for will be delivered.

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

249. 5 La Plata Grove, Brentwood, Essex, CM14 4LA Application Number: 16/01406/FUL

Dr O'Brien, was present and addressed the committee in objection to the application.

Major Singh Gogna, the Applicant, was also present and addressed the committee in support of the application.

After a full discussion, a motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Faragher to approve the application.

A vote was taken by a show of hands.

FOR: Cllrs Mrs Middlehurst, Mrs Murphy, Ms Sanders, Faragher, Bridge, Ms Rowlands and McCheyne (7)

AGAINST: Cllr Mynott, Newberry, Hubbard and Keeble (4)

ABSTAIN: (0)

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

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

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

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

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

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

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

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

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

250. Clay Hall, Days Lane, Pilgrims Hatch, Essex, CM15 9SJ Application Number: 16/01540/FUL

Mr Rowlingson, local residents association representative, was present and addressed the committee in support of the application.

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

Ward Councillor, Cllr Mrs Davies spoke in support of the application and referred to the summary of neighbour comments on Page 43 of the report. There would be no adverse impact on visual amenity of the surrounding area or nearby occupiers. The proposal would not reduce the openness of the green belt. Very special circumstances exist in relation to the need for storage supporting an established rural equestrian business

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Newberry to approve the application.

A vote was taken by a show of hands.

FOR: Cllrs Mrs Middlehurst, Mrs Murphy, Ms Sanders, Faragher, Bridge, Mynott, Newberry, Mrs Hubbard, Keeble, Ms Rowlands and McCheyne (11)

AGAINST: (0)

ABSTAIN: (0)

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications. Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

(Cllr Mynott declared a non-pecuniary interest under the Council's Code of Conduct by virtue that in the past the applicant stood as a Liberal Democrat in Local Borough Elections. Cllr McCheyne declared a non-pecuniary interest under the Council's Code of Conduct by virtue that he supplied hay to the applicant and used one of applicant's carriages for his wedding. Cllr Keeble declared a non-pecuniary interest under the Council's Code of Conduct by virtue of the applicant once was a customer of his previous local business).

251. Lion Lodge South, The Avenue, Warley, Essex, CM13 3RZ Application Number: 16/01492/FUL

Mr Bryan, the Applicant was present and addressed the committee in support of the application.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Ms Sanders to refuse the application.

A vote was taken by a show of hands.

FOR: Cllrs Mrs Middlehurst, Mrs Murphy, Ms Sanders, Faragher, Bridge, Mynott, Keeble, Ms Rowlands and McCheyne (9)

AGAINST: (0)

ABSTAIN: Cllrs Mrs Hubbard and Newberry (2)

RESOLVED that the application by **REFUSED** for the following reasons:-

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

(Ms Sharp, Planning Solicitor gave advice to Cllr Hubbard following the observations made by Cllr Hubbard on page 51/52 of the report. She advised that the Councillor should consider whether she had come to any pre-determination or was biased in respect of the consideration of this matter. She advised that the Councillor should consider whether she would be best to address the Committee in her capacity as Ward Councillor and then leave the room and not partake in the item any further. Additionally the Councillor should consider whether she retained an "open mind" about the decision. The Councillor responded and said that she had not formed a pre-determined view and did retain an open mind. The Councillor went on to address the Committee and partake in the debate and decision.)

252. Response to Essex Waste Plan

The Essex and Southend Replacement Waste Local Plan Pre-Submission Draft was submitted to the Secretary of State for an Examination in Public which took place between September and October 2016. Following the public hearing sessions Essex County Council and Southend-on-Sea Borough Council made a request to the Inspector to make several modifications to make the document sound/legally compliant and appropriate for adoption. The modifications are subject to a public consultation, responses to this will be considered by the Inspector before a formal report is issued.

Brentwood Borough Council previously made comments on the Pre-Submission Draft version of the Plan regarding Areas of Search and Safeguarded Sites, concluding that the Plan was sound and legally compliant. The Main Modifications being proposed are considered to be reasonable and do not result in a change in this position. This report recommends that the Council makes a formal response to the Schedule of Modifications consultation to confirm that there is no comment.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Bridge to approve the recommendations in the report.

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

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

REASON FOR RECOMMENDATION

It is not considered necessary to make any formal comments to the Essex and Southend Replacement Waste Local Plan Schedule of Modifications as these do not result in any potential negative effect on development within Brentwood Borough. These changes are deemed necessary by the Planning Inspector in order to make the Plan sound and capable of adoption.

As outlined in representations made in previous consultations, the Council supports the main aim of the Replacement Waste Local Plan to continue to support better and more sustainable ways of dealing with waste, further reduce dependence on landfill and achieve net self-sufficiency for all waste streams.

253. Brentwood Monitoring Report: Employment and Retail

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

As agreed at Planning and Licensing Committee on 1 December 2015, as soon as monitoring data becomes available the information is collated for publication into a series of monitoring updates, each reporting on different monitoring issues, which

together form the Council's Authority Monitoring Reports (AMR). For clarity these have been branded "Brentwood Monitoring Reports" to be consistent with the emerging Brentwood Local Development Plan (LDP) and other supporting documents.

An AMR on employment and retail, for the period 1 April 2015 to 31 March 2016 has been prepared for publication.

Cllr Mynott pointed out that some units west of the High Street were not mapped according to retail use (Figure 2) and so some information is lost.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Bridge to approve the recommendation in the report.

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

- 1. To approve publication of the Brentwood Monitoring Report Employment and Retail 2015/16, as set out in Appendix A.**

REASON FOR RECOMMENDATION

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

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

254. Urgent Business

The Chair informed the committee that Planning Statistics will be reported to at the next Planning and Licensing Committee to be held on 21st February 2017.

Cllr Hubbard, asked if some advice could be given to the applicant on Lion Lodge South about a meeting with Essex County Council. The officer, advised that this can be discussed in a pre-app meeting and the applicant will be given contact details for the Essex County Council to arrange a meeting.

The meeting ended at 21:00