

# Minutes

---

## Planning and Licensing Committee Tuesday, 1st September, 2015

### Attendance

Cllr McCheyne (Chair)	Cllr Mynott
Cllr Trump (Vice-Chair)	Cllr Reed
Cllr Carter	Cllr Tee
Cllr Cloke	Cllr Wiles
Cllr Morrissey	

### Apologies

Cllr Barrell  
Cllr Keeble  
Cllr Newberry

### Substitute Present

Cllr Hubbard (substituting for Cllr Newberry)  
Cllr Murphy (substituting for Cllr Barrell)

### Also Present

Cllr Foan	West Hordon Parish Council
Cllr Dicker	Doddinghurst Parish Council
Cllr Kendall	
Cllr Parker	
Cllr Mrs Davies	
Cllr Hirst	
Cllr Ms Rowlands	
Cllr McKinlay	

### Officers Present

Claire Hayden	Governance & Member Support Officer
Karen O'Shea	Governance & Member Support Officer
Gordon Glenday	Head of Planning & Development
Christine Stephenson	Planning Solicitor
Charlotte White	Senior Planner
Patricia Coyle	Senior Planner
Gary O'Shea	Principal Licensing Officer

Ashley Culverwell	Head of Borough, Health, Safety and Localism
Brendan Johnson	Highways Representative
Philip Drane	Planning Policy Team Leader
Caroline McCaffrey	Development Management Team Leader

### 111. Apologies for Absence

Apologies were received from Cllr Barrell; Cllr Mrs Murphy was in attendance as a substitute. Cllr Newberry, Cllr Mrs Hubbard was in attendance as a substitute and Cllr Keeble, there was no substitute.

### 112. Minutes of the Previous Meeting

The minutes of the Planning and Licensing Committee held on 21<sup>st</sup> July 2015 were approved and signed by the Chair as a correct record, subject to two amendments by Cllr Carter and Cllr Trump.

Min 101 – Face to Face Direct Charity Collectors

*(Cllr Carter declared a non pecuniary interest under the Council Code of Conduct by virtue of previously working with the PFI Management Media Team).*

Min 103 – 206 Hatch Road, Pilgrims Hatch, Essex CM15 9QN

*A motion was MOVED by Cllr Trump and SECONDED by Cllr Wiles to defer to enable the applicant to provide further technical information, having looked back over the webcast, it was clear that we did not state that the applicant would need to provide that information rather that a further report would come forward to address the Committee's concerns in relation to surface water drainage for the Council's consideration.*

### 113. Review of the Statement of Licensing policy under LA2003

The report on the Licensing Act 2003. (as amended) required that each Licensing Authority produce a Statement of Licensing Policy in respect of each 5 –year period. The report requested that Members considered the draft Licensing Policy for period 2016 -2021 and agreed that it undergo a 12 week consultation. The final adopted policy must be agreed by Ordinary Council and published no later than 31 January 2016.

A motion was **MOVED** by Councillor McCheyne and **SECONDED** by Councillor Mynott to agree the recommendations in the report.

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

1. **The amendments to the Statement of Licensing Policy were approved that it go out to consultation. If no comments are received, the Policy will be forwarded direct to Ordinary Council for adoption. If comments are received, these will be considered by this Committee on 19<sup>th</sup> January 2016, and any further amendments as a result of the consultation will be agreed prior to the Policy being formally adopted by the Council.**

#### **REASON FOR RECOMMENDATION**

The Council must fully consult and publish its revised policy through Ordinary Council. Therefore the compulsory consultation must take place in good time to allow for the full recommended 12 weeks and review of any responses received enabling appropriate consideration as to whether it is appropriate to alter the policy in line with those comments.

The Council must have a policy in place, which should reflect as closely as possible, the current law, Secretary of State Guidance and Government Codes of Practice as this ensures that the Council is able to consistently and effectively carry on its function as the Licensing authority.

There area number of changes and additions to the policy as these reflect the numerous changes over the last five years as the licensing of alcohol, regulated entertainment and late night refreshments under the Act has evolved.

*(As a substitutes of this Committee. Cllrs Mrs Hubbard and Mrs Murphy did not take part in the debate or vote on this item).*

#### **114. Response to Chelmsford City Council's Duty to Co-operate Scoping Report**

The Chelmsford City Council Duty to Co-operate Scoping Report was available for focused consultation from 9 July to 21 August 2015. As a neighbouring local planning authority Brentwood Borough Council has a legal duty to cooperate on planning matters of cross-boundary significance.

The Scoping Report identifies potential cross boundary strategic matters associated with Chelmsford's next Local Plan. It also identifies authorities and bodies that the City Council will need to co-operate with and explains the methods that may be used to engage with these bodies.

The report provided a summary of the Duty to Co-operate Scoping Report aims and sets out Brentwood Borough Council's proposed response. A response was submitted in August to meet the consultation deadline subject to the approval of Committee.

A motion was **MOVED** by Councillor McCheyne and **SECONDED** by Councillor Trump to agree the recommendation in the report.

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

- 1. The response to the Chelmsford City Council Duty to Co-operate Scoping Report July 2015 consultation as set out in Appendix A of the report was approved.**

**REASON FOR RECOMMENDATION:**

The response set out that Brentwood Borough Council support the approach Chelmsford City Council had taken with regard to the scope of the consultation document. In particular we welcomed setting out co-operation methods to engage with relevant authorities/bodies on each of the strategic matters identified.

Responses to each of the 15 questions be provided, including suggestions for how the Scoping Report could be improved and issues that required further discussion.

The Council will continue to engage with Chelmsford City Council as progress our Local Plans.

*(Cllr Morrissey declared a non pecuniary interest due under the Council Code of Conduct by virtue of her employment at local Estate Agents).*

**115. Delegation - Certificates of Lawfulness**

On 24 March 2015 the Council received and approved the recommendation in the Modern Planning Service report regarding proposals that focused on the system of delegation of decisions of planning application and enforcement cases.

Following recent staff changes the purpose of this report is to seek delegated authority for the Head of Planning and Development to determine applications made for Certificates of Lawfulness made under Section 191 and Section 192 of the Town and County Planning Act 1990.

Councillor Cloke raised concerns that the Parish Councillors do not know what decisions are being made in regards to the Certificates.

A motion was **MOVED** by Councillor McCheyne and **SECONDED** by Councillor Trump to agree the recommendation in the report.

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

1. **That the Head of Planning and Development be granted delegated authority to determine applications for Certificates of Lawfulness.**

**REASON FOR RECOMMENDATION:**

Given that processing of such applications involve the evaluation of facts based on evidence, and that it is for the applicant to prove, delegated authority is sought for the Head of Planning and Development to determine such applications following obtaining relevant legal advice.

**116. 206 HATCH ROAD PILGRIMS HATCH ESSEX CM15 9QN**

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

**APPLICATION NO: 15/00426/FUL**

Mrs Goodwin was present and addressed the committee as a objector to the application.

Mr Hunneybel, the applicant was also present and addressed the committee as a support to the application.

Ward Members expressed their concerns that the local residents were not consulted and the needs for an independent report was required to support this application. A precedent of background garden will be set if the application is approved. The development would increase traffic flow in an extremely narrow cul-de-sac.

A motion was **MOVED** by Councillor Tee and **SECONDED** by Councillor Mynott to refuse the application due to CP1 (iii) and CP1 Section (ii) taking into account CP1 (iii) the area is unsuitable to build a house as it would not fit into the environment or character with the area loss of amenity under Policy H17. It would also present access issues

A vote was taken by a show of hands.

**FOR:** Cllrs Tee, Murphy, Wiles, Cloke, Mynott, Carter, Morrissey and Hubbard (8)  
**AGAINST:** Cllrs Reed, Trump and McCheyne (3)  
**ABSTAIN:** (0)

**RESOLVED**

That the application be **REFUSED**.

*(Cllr Morrissey declared a non pecuniary interest due under the Council Code of Conduct by virtue of her employment at local Estate Agents).*

**117. THE SURGERY SITE AND LANDINGS OUTINGS LANE DODDINGHURST  
ESSEX CM15 0LS**

**DEMOLITION OF FORMER DOCTORS SURGERY AND ADJACENT  
DWELLING KNOWN AS THE LANDINGS AND CONSTRUCTION OF 6 NO.  
DETACHED DWELLINGS AND 2 NO SEMI-DETACHED DWELLINGS.**

**APPLICATION NO: 15/00267/FUL**

The Chair give permission for Mr Hayes, the agent to speak in support of this application.

Doddinghurst Parish Council spoke in objection to the application on a basis of rural development, this site is better suited for affordable housing. Transport difficulties in the area, car essential.

Cllr Carter requests that the windows that overlook neighbours are installed with opaque glass.

A member of the committee requested guidance on how to deal with direct correspondence relating to planning matters, Planning Solicitor and Head of Planning and Development to advise.

A motion was **MOVED** by Councillor Tee and **SECONDED** by Councillor Carter to approve the application subject to completion of a s106 Agreement to ensure that any financial contribution to meet the affordable housing requirement is fully justified, and an additional condition regarding opaque windows be applied.

A vote was taken by a show of hands.

**FOR:** Cllrs Carter, Cloke, Hubbard, McCheyne, Morrissey, Murphy, Mynott, Reed, Tee, Trump and Wiles (11)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY**

That the application be **APPROVED** subject to a condition S106 Agreement for Affordable Housing contribution.

**118. 6 BOWHAY HUTTON ESSEX CM13 2JX**

**DEMOLISH GARAGE AND CONSTRUCT TWO STOREY SIDE AND FRONT EXTENSIONS AND A PART SINGLE STOREY, PART TWO STOREY REAR EXTENSION. GLASS CANOPY TO FRONT AND FENESTRATION ALTERATIONS.**

**APPLICATION NO: 15/00712/FUL**

Mr Pully was present and addressed the committee in objection of the application.

Mr Takar, the applicant was also present and addressed the committee in support of the application.

Cllr Hirst, the Ward Member spoke in objection to the application. Expressing his concerns of the impact on the street scheme and the bulk and overbearing to neighbours of the development. The Member welcomed the officers putting a condition in place relating to obscure glazing to combat overlooking issues.

A motion was **MOVED** by Councillor Reed and **SECONDED** by Councillor Cloke to refuse to application on the following condition; out of character, detrimental to the street scene and loss of amenity under policies H15, CP1 (i) and CP1 (iii).

**FOR:** Cllrs Cloke, Reed, Tee and Wiles (4)  
**AGAINST:** Cllrs Carter, Hubbard, Morrissey, Mynott and Trump (5)  
**ABSTAIN:** Cllrs McCheyne and Murphy (2)

The motion was **LOST**.

A motion was **MOVED** by Councillor Trump and **SECONDED** by Councillor Carter to approve the application subject to the conditions as set out in the officer's report.

A vote was taken by a show of hands.

**FOR:** Cllrs Carter, Hubbard, Morrissey, Mynott and Trump (5)  
**AGAINST:** Cllrs Cloke, Reed, Tee and Wiles (4)  
**ABSTAIN:** Cllrs McCheyne and Murphy (2)

**RESOLVED**

That the application be **APPROVED**, subject to conditions as set out in the officer's report

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 U10578

The brickwork 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 U10579

The first floor side windows 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 windows 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. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

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

5 CON1 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.



**119. POPLAR HALL POPLAR DRIVE HUTTON ESSEX CM13 1YU**

**VARIATION OF CONDITION 25 (PROVISION OF PARKING SPACES AS PER STANDARDS (LISTED BUILDING 80, BOWLING GREEN/LODGE HOUSE 25, PAVILION & PITCHES 40) OF APPLICATION 85/00888/FUL (CHANGING ACCOMMODATION AND CAR PARKING AREAS AND USE OF LISTED BUILDING FOR COMMUNITY PURPOSES) ADDITIONAL PARKING FOR LONG-STAY PARKING, TO INCLUDE PARKING BETWEEN 08.00 AND 19.00, MONDAY TO FRIDAY FOR SEASON TICKET HOLDERS, AND SCHOOL DROP OFF AND COLLECTION.**

**APPLICATION NO: 15/00456/FUL**

Cllr Mrs McKinlay, the Ward Member spoke in support of the application based on the fact that without regulations and being clear about what the restrictions are the Council is in a position where we cannot enforce at all.

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

A vote was taken by a show of hands.

**FOR:** Cllrs Carter, Cloke, Hubbard, McCheyne, Morrissey, Murphy, Mynott, Tee, Trump and Wiles (10)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY**

That the application be approved, subject to conditions as set out in the officer's report

1 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.

*(Cllr Reed declared a non pecuniary interest under the Councils Code of Conduct by virtue of being a member of the Trustees at Brentwood Leisure Trust, and therefore left the Chamber and did not participate in the discussion or vote).*

**120. BRIGADE HEAD QUARTERS RAYLEIGH CLOSE HUTTON ESSEX CM13  
1AL**

**CHANGE OF USE OF FIRE DEPOT TO TEMPORARY COMMUTER CAR  
PARK BETWEEN THE HOURS OF 07:00 TO 19:00 HOURS MONDAY TO  
FRIDAY DURING THE CONSTRUCTION PHASE OF CROSSRAIL**

**APPLICATION NO: 15/00881/FUL**

Cllr Mrs McKinlay, the Ward Member spoke in support of the application and thanked the Fire Authority and the Cabinet Member of Essex County Council for their support on this application. This site was the most obvious site to take forward in an effort to address the impact on local residents.

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

A vote was taken by a show of hands.

**FOR:** Cllrs Carter, Cloke, Hubbard, McCheyne, Morrissey, Murphy,  
Mynott, Reed, Tee, Trump and Wiles (11)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY**

That the application be **APPROVED**, subject to conditions as set out in the officer's report.

**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.

**121. Urgent Business**

There were no items of urgent business.

Meeting concluded at 21:40