

Minutes

Planning and Licensing Committee Tuesday, 19th January, 2016

Attendance

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

Apologies

Cllr Pound
Cllr Tee

Substitute Present

Cllr Mrs Coe (substituting for Cllr Tee)
Cllr Ms Rowlands (substituting for Cllr Mrs Pound)

Also Present

Cllr Clark
Cllr Hossack
Cllr Mrs Hubbard
Cllr Ms Sanders
Cllr Foan – West Horndon Parish Council

Officers Present

Steve Blake	- Environmental Health Officer
Sukhvinder Dhadwar	- Planning Officer
Gordon Glenday	- Head of Planning & Development
Brendan Johnston	- Highways Representative
Paulette McAllister	- Design & Conservation Officer
Caroline McCaffrey	- Development Management Team Leader
Gary O'Shea	- Principal Licensing Officer
Karen O'Shea	- Governance and Member Support Officer
Jean Sharp	- Governance and Member Support Officer
Christine Stephenson	- Planning Solicitor
Charlotte White	- Senior Planning Officer

300. Apologies for Absence

Apologies were received from Cllrs Mrs Pound and Tee.

301. Minutes of the Previous Meeting

The Minutes of the Planning meeting held on 1 December 2016 were agreed as a true record subject to correction of the misspelling of a name under Minute 239 - Ms Kenyon instead of Keynon.

302. Street Trading and Market Policy Review

The report sought Members' agreement in principle on the review to the Street Trading and Market Policy and for the same to be released for consultation prior to consideration of any representations and full adoption in April 2016.

The current policy had been in place since 2012 but it had become apparent through recent events that it was restrictive and needed to be reviewed.

It was proposed the revised policy would be fully consulted on for a period of six weeks.

Members noted that in paragraph 4.4 of the report the word 'completion' should read 'competition'.

Cllr McCheyne MOVED and Cllr Trump SECONDED the recommendation in the report, a vote was taken by a show of hands and it was

RESOLVED

That Members agree in principle the Street Trading and Market Policy as attached at Appendix A to the report and to release it for consultation prior to reconsideration and final adoption in April 2016.

Reason for recommendation

The policy was almost 4 years old and required updating. There was certain clarification required and this had led to a need to update the policy to ensure that it was more easily understood and interpreted by all parties, including officers.

The policy must retain some flexibility in law to ensure that matters were always considered on merit. In other words the Council must not fetter its discretion in any individual case. For this reason, the exemptions in 3.5, 5.2 and 5.4 had been clarified. However, whilst these formed the normal process of the Council, it was essential that there was flexibility for Members to divert from policy if evidenced that it was appropriate to do so.

303. 114 ORCHARD AVENUE BRENTWOOD ESSEX CM13 2DP

REMOVAL OF CONDITION 4 (NO HEATING/COOKING EQUIPMENT SHALL BE USED ON PREMISES) OF APPLICATION 15/00145/FUL (CHANGE OF USE FROM MOTOR SPARES SHOP (RETAIL) TO CAFE (FOODOUTLET)).

APPLICATION NO: 15/01341/FUL

Cllr Wiles advised the Committee that the applicant would be submitting the necessary documentation to overcome the reasons for the officer's recommendation for refusal and proposed that consideration of the issues be deferred to the next meeting.

Cllr Wiles **MOVED** and Cllr Morrissey **SECONDED** that this item be deferred to the next Committee meeting.

For: Cllrs Barrell, Carter, Cloke, Coe, McCheyne, Morrissey, Mynott, Newberry, Reed, Rowlands, Trump and Wiles (12)

Against (0)

Abstain (0)

RESOLVED UNANIMOUSLY to defer this item to the next meeting.

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

304. THE BRENTWOOD TRAINING CENTRE ESSEX WAY WARLEY ESSEX CM13 3AX

DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF 50 RESIDENTIAL DWELLINGS, (10 HOUSES AND 40 FLATS) INCLUDING AFFORDABLE HOUSING, IN BUILDINGS EXTENDING TO BETWEEN TWO AND FOUR STOREYS IN HEIGHT, TOGETHER WITH ASSOCIATED LANDSCAPING, PARKING AND INFRASTRUCTURE WORKS.

APPLICATION NO: 15/01379/FUL

Mr Baldwin was present and spoke in objection to the application.

Mr Wheeler, the agent, was also present and spoke in support of the application.

Members expressed concern regarding parking problems in the locality and Cllr Cloke advised he would raise the possibility of introducing a residents' parking scheme in the area at the next meeting of South Essex Parking Partnership.

Cllr McCheyne **MOVED** and Cllr Trump **SECONDED** that the application be approved, subject to a Section 106 agreement.

For: Cllrs Cloke, Mrs Coe, McCheyne, Reed, Ms Rowlands, Trump and Wiles (7)

Against: Cllrs Carter, Morrissey, Mynott and Newberry (4)

Abstain: Cllr Barrell (1)

It was **RESOLVED**:

That planning permission be **APPROVED** subject to completion of a Section 106 agreement as set out in the officer's report and 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 drawings, specifications and documents listed above.
Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.
- 3 No development above ground level shall take place until samples of both bricks to be used in the construction of the external surfaces of the building hereby permitted, as well as details of the jointing and mortar, have been submitted to and approved in writing by the local planning authority. Sample panels of both bricks proposed of no more than 500mm in height are to be erected on site to show areas of the new exterior walling. Development shall be carried out in accordance with the approved details.
Reason: In order to safeguard the character and appearance of the area.
- 4 The development shall be finished with metal profile roofing panels and grey UPVC windows only as shown on drawing number 8128/06 without the further formal consent of the Local Planning Authority.
Reason: In order to safeguard the character and appearance of the area.
- 5 Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), and with the exception of those approved as part of this permission, no walls, fences or other means of enclosure shall be erected within the application site.

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

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

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

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

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

- 8 In view of the report produced by Geosphere Environmental Ltd; a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval prior to the commencement of any development of the site. The agreed remediation scheme will be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any other part of this planning permission (unless the scheme or parts of it require commencement of other parts of the permission). Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers. A signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the conditions above.

Reason: In the interest of the living conditions of the future occupiers of the site. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

- 9 Should contamination be found that was not previously identified during any stage of the application hereby approved or not considered in the remediation scheme that contamination shall be made safe and reported immediately to the local planning authority. The site shall be re-assessed and a separate 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.

Reason: In the interest of the living conditions of the future occupiers of the site. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

- 10 The development hereby permitted shall not be carried out except in complete accordance with the construction method statement submitted with this application, without the further formal consent of the local planning authority.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt and in the interest of the residential amenity of the adjoining residents.

- 11 The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the local planning authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 12 The cycle parking facilities as shown on the approved plans for the proposed flats are to be provided prior to the first occupation of the development and retained at all times without the further formal consent of the local planning authority.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity and to encourage sustainable transport choices.

- 13 Cycle parking facilities for the proposed houses shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all time without the further formal consent of the local planning authority.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity and to encourage sustainable transport choices.

- 14 The powered two wheeler parking facilities as shown on the approved plans are to be provided prior to the first occupation of the development

and retained at all times without the further formal consent of the local planning authority.

Reason: To ensure appropriate powered two wheeler parking is provided in the interest of highway safety.

- 15 Prior to commencement of the development, excluding demolition and enabling works, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the compass point in each direction, as measured from and along the nearside edge of the carriageway as per drawing number C700 Rev P1. Such vehicular visibility splays shall be provided before the site access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 16 There shall be no discharge of surface water onto the Highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 17 The development hereby approved shall not be occupied until the developer has provided a Real Time Passenger Information facility at the nearby northbound bus stop on The Drive, the details of which shall be submitted to and approved in writing by the local planning authority prior to its installation.

Reason: To encourage trips by public transport in the interest of accessibility and sustainability.

- 18 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local public transport operator, the details of which shall be submitted to and approved in writing by the local planning authority prior the occupation of any of the units.

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

- 19 No development excluding demolition and enabling works, shall take place until a detailed surface water drainage scheme for the site, based on the approved surface water drainage strategy, sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to

the local water environment. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

- 20 No development excluding demolition and enabling works, shall take place until further ground investigation has taken place, during winter months (between December and April), to demonstrate that ground water levels do not pose a significant risk to the development. Following ground investigation, if necessary, a scheme for appropriate mitigation of ground water flood risk should be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to occupation.

Reason: To mitigate against groundwater flooding by ensuring that sufficient information is in place to fully understand the risk associated with the development. This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

- 21 The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development . This issue is fundamental to the development hereby permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful in this regard. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

- 22 Prior to the occupation of the development the applicant must submit to and have approved in writing, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies to the Local Planning Authority.
Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.
- 23 The adopting body responsible for maintenance of the surface water drainage system must record yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.
- 24 The replacement trees to be planted on the eastern boundary adjacent to the dwellings in Gibraltar Close shall be planted within 1 month of the removal of the existing trees, unless formally agreed by the further formal consent of the local planning authority.
Reason: In the interests of the character and appearance of the area and the residential amenity of adjoining residents.
- 25 The development hereby permitted shall not be carried out except in complete accordance with the recommendations of the ecology, reptile and bat survey and arboricultural impact assessment submitted, without the further formal consent of the local planning authority.
Reason: In the interests of ecology and biodiversity and the visual amenity of the area.
- 26 Additional drawings that show details of proposed windows, eaves and roof profiles, balconies and brick relief detail to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing prior to their installation. The development shall be carried out in strict accordance with the approved details.
Reason: In the interests of the character and appearance of the area.
- 27 The development hereby permitted shall not be carried out except in complete accordance with the hard and soft landscaping details included within this submission, including those submitted within the Design and Access Statement, without the further formal consent of the local planning authority.
Reason: In the interests of the visual amenity of the area.

305. 3 CLIVEDEN CLOSE SHENFIELD ESSEX CM15 8JP

FIRST FLOOR FRONT EXTENSION, HIPPED ROOF TO REPLACE FLAT ROOF, THREE DORMERS TO REAR AND REMOVAL OF THE CHIMNEY. PART TWO STOREY AND SINGLE STOREY REAR EXTENSION TO INCLUDE ROOFLIGHTS.

APPLICATION NO: 15/01393/FUL

Mrs Aston, the applicant, was present and addressed the Committee in support of the application.

Cllr Clark had referred the application for consideration by the Committee since there were concerns that policies were being interpreted subjectively rather than objectively, so that the difference between what was refused in this case had been allowed in neighbouring houses was not clear.

Cllr Ms Rowlands **MOVED** and Cllr Newberry **SECONDED** that the application be approved.

For: Cllrs Carter, Newberry, Ms Rowlands and Trump (4)

Against: Cllrs Barrell, Cloke, Mrs Coe, McCheyne, Morrissey, Mynott and Wiles (7)

Abstain: Cllr Reed (1)

The Motion was **LOST**.

Cllr Cloke **MOVED** and Cllr Wiles **SECONDED** that the application be refused.

For: Cllrs Barrell, Cloke, Mrs Coe, McCheyne, Morrissey, Mynott and Wiles (7)

Against: Cllrs Carter, Newberry, Ms Rowlands and Trump (4)

Abstain: Cllr Reed (1)

RESOLVED: That the application be **REFUSED** because the proposal would result in a poorly designed and disjointed appearance at the front and rear of the house.

Members recommended the applicant to work with Planning officers on any future design prior to submission.

**306. LAND ADJACENT ROSNEATH HUNTERS CHASE HUTTON ESSEX CM13
1SN**

PROPOSED 3 BEDROOMED DWELLING.

APPLICATION NO: 15/01444/FUL

Mr Sanderson, the applicant, was present and addressed the Committee in support of the application.

Cllr Hossack had referred the application for consideration by the Committee since he supported the proposal and had no concerns about its impact on the green belt in the intended location. He advised that those living in neighbouring properties were supportive and considered the proposed dwelling would prove to be an enhancement to their neighbourhood.

Cllr Wiles **MOVED** and Cllr Cloke **SECONDED** that the application be approved.

For: Cllrs Carter, Cloke, Mrs Coe, McCheyne, Newberry, Reed, Ms Rowlands, Trump and Wiles (9)

Against: Cllrs Morrissey and Mynott (2)

Abstain: Cllr Barrell(1)

RESOLVED: That the planning application be **APPROVED** subject to the following conditions:

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

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

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

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

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

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

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

by the local planning authority and the approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

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

5. 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.

6. No development above ground level shall be undertaken until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings and in the interest of the character and appearance of the area.

8. Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

307. Article 4 Directions for Barrack Wood

Members were reminded that at the 14 April 2015 Planning and Development Committee meeting it was resolved unanimously to serve an Article 4 Direction on Barrack Wood. Since this decision was made, Legal Services had identified that the format of the Article 4 Direction in the earlier report needed to be updated because it did not meet the current legislative requirements and so was not valid. Members were therefore recommended to endorse the serving of an updated Article 4 Direction for Barrack Wood to reflect current legislation and the clear intention of the Planning and Development Committee's April 2015 decision.

Cllr McCheyne **MOVED** and Cllr Barrell **SECONDED** the recommendations in the report and following a discussion it was **RESOLVED UNANIMOUSLY:**

1. That an Article 4 Direction be authorised and served for Barrack Wood (see Map attached in Appendix A to the report).

2. That authority be delegated to Head of Planning and Environmental Health, after consultation with the Chair and Ward Members, to issue and serve Article 4 Directions in relation to other woodlands in the Borough where deemed appropriate.

Reasons for Recommendation

Given the potential immediate threat to the integrity of the woodlands affected, it was deemed necessary to issue the two Article 4 Directions, one of which should take immediate effect due to the potential risk of inappropriate works.

308. Urgent Business

There were no items of urgent business.

The meeting ended at 20.50 hrs.