

Minutes

Planning and Licensing Committee Tuesday, 1st March, 2016

Attendance

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

Apologies

Substitute Present

Also Present

Cllr Chilvers	
Cllr Barrett	
Cllr Russell	
Cllr Foan	West Horndon Parish Council

Officers Present

Caroline McCaffrey	Development Management Team Leader
Daniel Toohey	Monitoring Officer
Claire Mayhew	Governance and Member Support Officer
Christine Stephenson	Planning Lawyer
Philip Drane	Planning Policy Team Leader
Kathryn Mathews	Senior Planning Officer
Paulette McAllister	Design & Conservation Officer
Brendan Johnston	Highways Representative
Jonathan Binks	Planning Assistant
Alan Marsh	Arboricultural Assistant

352. Apologies for Absence

No apologies were received for this meeting.

353. Petition regarding the proposed housing development at land off Honeypot Lane, Brentwood.

A petition was presented by Cllr Karen Chilvers at the 27 January 2016 Ordinary Council meeting regarding the proposed housing development at land off Honeypot Lane, Brentwood, as set out in the Council's Draft Local Plan consultation document.

The petition states: "*Greetings. NO to the proposed housing development at land off Honeypot Lane, Brentwood*".

The petition was made up of 281 signatories. Subsequently, following an officer request for additional address information, the petition has been re-submitted and now contains the signatories' addresses and totals over 400 signatures.

The petition will be made available for Members' information.

Cllr Chilvers, Petition Organiser was present and addressed the committee for 3 mins on the petition.

Ward Members also spoke for 3 mins on the petition.

Cllr McCheyne **MOVED** and Cllr Trump **SECONDED** the recommendation set out in the report, a vote was taken by a show of hands.

It was **RESOLVED** that:

- 1. The Petition be considered as a representation in response to the Brentwood Draft Local Plan Consultation.**

REASONS FOR RECOMMENDATION

In accordance with the Council's Procedure Rules, Rule 12.1. ...'Every such memorial or petition shall stand referred, as appropriate, to the committee within whose terms it falls'.

354. Minutes of the Previous Meeting

The Minutes of the Planning and Licensing meeting held on 19 January 2016 were agreed as a true record, subject to clarification being made by Cllr Morrissey's that her non pecuniary interest she declares at the beginning of every Planning and Licensing Committee Meeting is for the duration of the meeting, not just for one particular item.

This was noted by the Clerk.

355. Minutes of the Licensing Appeals Sub Committee

The Minutes for the Licensing Sub Committee's for 24th September 2015, 16th November 2015, 8th December 2015 and 20th January 2016 were all agreed as a true record.

356. 59 CROWN STREET BRENTWOOD ESSEX CM14 4BD DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF APARTMENT BLOCK COMPRISING 10 UNITS AND UNDERCROFT CAR PARKING.

APPLICATION NO: 15/01430/FUL

Mrs Daly was present and spoke in objection to the application.

Mr Barker, a representative of the Food Bank was also present and spoke in support of the application.

Mr Gaughan, was also present and spoke as a support of the application

Mr Hardie, the agent, was also present and spoke in support of the application. Cllr Trump **MOVED** and Cllr Morrissey **SECONDED** that the application be refused.

For: Cllrs Barrell, Pound, Reed, Tee, Cloke, Mynott, Carter, Morrissey, Newberry, Trump and McCheyne (11)

Against: (0)

Abstain: (0)

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

R1 U12115

The existing Breakthru Church is a valued community facility. The significant loss of off-street parking spaces and reduction in the extent of the curtilage of the building proposed could threaten the continued beneficial use of the church and, if the Breakthru Church vacate the site, could reduce the viability for continued or re-use of the building as a community facility, contrary to the aims of Policy LT11 of the Brentwood Replacement Local Plan and the NPPF (paragraph 70).

R2 U12130

The proposed development would, as a result of the size, height, scale, massing and design of the building proposed, be an incongruous element in the street scene to the detriment of the character and appearance of the area, contrary to the NPPF (section 7) and Policies CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.

R3 U12131

The development proposed, as a result of the height, position, design and bulk of the building proposed, would harm the amenity of the occupiers of neighbouring residential properties by reason of loss of privacy (1 Primrose

Hill and 65-71 Crown Street) and loss of outlook and dominance (65-71 Crown Street), contrary to the NPPF (paragraph 17) and Policy CP1 (criterion ii) of the Brentwood Replacement Local Plan.

(Under 5.2 of the Constitution, Cllr Wiles was unable to participate in the vote as he referred this item to the Committee).

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

**357. LAND ADJACENT MANHATTEN FARM LITTLE WARLEY HALL LANE
LITTLE WARLEY ESSEX**

**DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND
CONSTRUCTION OF 2 NO. DWELLINGS.**

APPLICATION NO: 15/01459/FUL

Concerns from Members of the committee were expressed on the large oak tree situated within the development site.

Councillor Mynott **MOVED** and Councillor Carter **SECONDED** for refusal of the application.

For: Cllrs Reed, Mynott, Carter, Morrissey, Newberry, Trump (6)

Against: Cllrs Barrell, Pound, Wiles (3)

Abstain: Cllr McCheyne (1)

It was **RESOLVED** that the application be **REFUSED** based the following:

1. Members had concerns about the removal of a well established tree
2. The proposal would be inappropriate development that would materially detract from the openness of the Green Belt and represent an encroachment of development into the countryside. It would therefore conflict with Brentwood replacement Local Plan 2005 Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
3. The proposed housing would be in an unsuitable location and would unacceptably detract from the character and appearance of valued countryside. It would conflict with Brentwood Replacement Local Plan 2005 Policy CP1 and with the underlying objective of the Framework as regards sustainable development and the protection and enhancement of valued landscapes.
4. The development would facilitate the removal of a large oak tree, identified as T7 within the Arboricultural Impact Assessment Report,

which has ecological benefits and is one in which contributes positively to the visual amenity of the area. The proposed landscaping works would not retain a tree which enhances the landscape and its removal would not protect the landscape features of the site. Although not protected by a preservation order, the council's Arboriculturalist has indicated the tree is worthy of preservation. The proposal is considered to conflict with Policy C5 of the Brentwood Replacement Local Plan 2005.

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

(Councillor Cloke declared a non pecuniary interest under the Councils Code of Conduct by virtue of the agent being personally known to him. He therefore didn't take part in the debate or voting on this item).

(Under 5.2 of the Constitution, Cllr Tee was unable to participate in the vote as he referred this item to the Committee).

358. 2016 Planning Fees and Charges

In March 2015, the Planning and Development Committee approved a recommendation to review the Council's Planning and Building Control non statutory fees and charges annually. The current fees and charges have been benchmarked against the rates charges in a number of other Boroughs to gauge how Brentwood's rates compare with similar services elsewhere. The evidence indicated that Brentwood was currently charging less for the discretionary planning services it provides than nearby authorities.

Officers had reviewed the schedule of fees and proposed to increase the non statutory planning fees and charges to a more appropriate level which reflected the cost to the Council of providing the service. With regard to Building Control, however, it was considered that the current rates reflected the market level and so no charges were proposed to these rates.

The report recommended that as well as increasing the charges for some non statutory services currently offered at a cost, a new charge will be introduced for residential pre- application advice. This service is currently free to homeowners.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Trump to approval the recommendation set out in the report.

It was **RESOLVED UNANIMOUSLY** that:

- 1. The Council's non statutory Planning Fees and charges be amended to the rates outlined in table two of the report with effect from 1 April 2016.**

REASON FOR RECOMMENDATION

The Council agreed to review its non statutory planning fees and charges annually. The proposed review of the non statutory planning fees and charges outlined in Section 4 of this report will better position Brentwood's Planning and Building Control services to fund the increasing needs for high quality, cost effective services.

It is important to acknowledge that any increased fee income resulting from the proposed increase in fees and charges is justified on the basis that the planning and building control services need to be delivered to a high standard. Such a high quality service requires appropriate funding to deliver the services that the higher fee paying developers will expect. The Council must provide value for money for the services it charges. The purpose of the fees is to meet the costs of providing these non statutory services. It is therefore proposed that all planning and building control non statutory fee income is ring-fenced to the Planning Service area in order to comply with the legislation, justify the charges and reassure developers that the service they are paying for will be delivered effectively.

It is difficult to be precise as to how much additional income the proposed new rates would generate as this very much depends upon the development industry's willingness to buy the services offered. However, as the Council currently provides a free service for over 300 residential applications the introduction of a £200 fee for meetings could generate a significant additional income. However, the introduction of a charge could put some householders off from using the service so the number of requests for residential pre-application advice could well reduce and the introduction of a fee for written advice only at a lower charge of £80 will now also be available. Nevertheless, given the overall costs of an average household development (build costs and other professional fees), a £200 charge is still relatively modest. If it is assumed that if there is a reduced demand from 300 to 200 residential requests per annum, this would still generate circa £40k pa from residential applications alone. Increases to the other Bands is more difficult to assess but it is reasonable to assume that there could be an increase in these fees of £10k.

Officers propose to keep the matter under review and add to its evidence base for future fees setting decisions.

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

359. Urgent Business

The Lower Thames Consultation recently released, requests that all responses to the 4 route option consultation were to be received by 24th March 2016.

This meant that the Council have to respond rapidly and that it is unlikely that a set Council meeting to consider the response can be held before the submission date.

A motion was **MOVED** by Cllr Trump and **SECONDED** by Cllr Cloke to accepted the recommendation.

An additional recommendation was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Morrissey. This was agreed by the Vice-Chair.

2. *That the response be made available to members at the next Policy, Finance and Resource Committee with agreement of the Chair, Cllr Mrs McKinlay.*

It was **RESOLVED** that:

1. **That delegated authority be granted to the Head of Paid Service and Section 151 Officer to issue the response of Brentwood Borough Council to the Lower Thames Crossing Consultation, provided that consultation takes place with the Leaders of all political groups (or in their absence, their appointed deputies), ward members and chair of the planning committee. Such consultation shall include meetings with the said Leaders.**
2. **The response be made available to members at the next Policy, Finance and Resource Committee with agreement of the Chair, Cllr Mrs McKinlay.**

REASON FOR RECOMMENDATION

The Brentwood Borough Council response rapidly to the Lower Thames 4 route consultation by 24th March 2016.

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

(Cllr Carter declared a pecuniary interest as he owned a property and is also a co-ordinator for Thames Gateway. Cllr McCheyne also declared a pecuniary interest in this item as he farms land that may be affected. Both Councillors didn't take part in the debate or vote, Cllr Trump stood in a Chair for the duration of this item).

The meeting concluded at 21.25pm

