

Minutes

Planning and Licensing Committee Tuesday, 12th April, 2016

Attendance

Cllr McCheyne (Chair)	Cllr Reed
Cllr Cloke	Cllr Tee
Cllr Mynott	Cllr Wiles
Cllr Newberry	
Cllr Pound	

Apologies

Cllr Barrell
Cllr Carter
Cllr Trump (Vice-Chair)

Substitute Present

Cllr Coe substituting for Cllr Barrell
Cllr Murphy substituting for Cllr Trump

Also Present

Cllr Mrs Hones
Cllr Sleep
Cllr Day - Ingatestone and Fryerning Parish Council

Officers Present

Claire Mayhew	- Governance and Member Support Officer
Caroline McCaffrey	- Development Management Team Leader
Gary O'Shea	- Principal Licensing Officer
Christine Stephenson	- Planning Solicitor
Philip Drane	- Planning Policy Team Leader
Brendan Johnston	- Highways Representative
Jonathan Binks	- Planning Assistant
Paulette McAllister	- Design and Conservation Officer

420. Apologies for Absence

Apologies were received from Councillors Barrell, Cllr Mrs Coe was substituting, Cllr Trump, Cllr Mrs Murphy was substituting and Cllr Carter, no substitute was present.

421. Appointment of the Vice-Chair

Cllr McCheyne **MOVED** and it was **SECONDED** by Cllr Cloke that Cllr Mrs Pound be made Vice-Chair for the duration of the meeting only. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

422. Minutes of the Previous Meeting

The Planning and Licensing minutes of 1st March 2016 were agreed as a true record.

423. Minutes of the Licensing Appeals Sub Committee

The Licensing/Appeals Sub Committee 18th February 2016 were agreed as a true record.

424. Street Trading and Market Policy Review

The report sought members consideration of the responses received following consultation of the draft revision of the Street Trading and Market Policy and for agreement of adoption with immediate effect as the Street Trading and Market Policy for the Borough.

Cllr McCheyne **MOVED** and Cllr Cloke **SECONDED** that recommendation 2.1 (a) set out in the report be agreed.

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

- 1. It be adopted as the Street Trading and Market Policy for this Borough in its current form save for the addition of the alteration requested by Essex County Fire and rescue as highlighted in paragraph 5.7.**

REASONS FOR RECOMMENDATION

Resulting from the consultation there were four responses.

The responses had resulted in two possible scenarios with regard to Adoption of the final policy. In both scenario's it was recommended that the observations of the Essex County Fire and Rescue Service (ECFRS) be included, as it is recognised that the subject matter of the condition to which their suggested alteration relates (Gas Cylinders) was best understood by them, being the experts in the field. The ECFRS comments were attached at

Appendix B. The Policy had already been amended in the draft to reflect the change.

The other three responses were conflicting, there were two options in the recommendations, the choice of which was dependent on Members views following consideration of the facts.

Following consultation, most of the alterations to the policy had not been challenged. The one area of concern from three out of four representations related almost exclusively to paragraph 5 of the policy and in particular paragraph 5.4

Of the two available options contained within the recommendations, the representation from Virgo on behalf of the shop traders would have effectively advocated removal or amendment of the phrase 'Designer or recognised brand label clothing, footwear or accessories' as this leaves the door open to the market being permitted to stock the same items as shops provided that those items are not recognised fully licensed brand/designer labels.

One of the main complaints which lead to bringing forward this review of the Street Trading and Market Policy, was in relation to duplication of the stock sold in local shops by one market trader. It was argued that this was against the policy and this was reflected in the representation from Virgo who advocates adoption of the policy under the terms of option B.

The Council originally adopted a Street Trading Policy and supported the establishment of a market in order to:

- 1 Support local businesses and retailers by increasing footfall
- 2 Attract new visitors, residents and shoppers to the High Street
- 3 Create a welcoming atmosphere
- 4 Provide an opportunity to trade for local businesses
- 5 Complement existing retailers and business on the High Street
- 6 Provide a diverse and alternative offer of products to shoppers

This involved striking a balance between supporting shop traders who are vital to the success and attraction of the High Street, whilst ensuring that Street Trading, particularly relating to the market meets these objectives.

In the form originally adopted, it could be argued that the policy was too restrictive as to some extent, whilst the market had been a success, it had only been able to provide a limited offering. Officers had found the current policy to be restrictive and difficult to enforce, which also means that through no fault of their own, it is was difficult for traders applicants and members of the public to fully understand. It was therefore, believed that option A provided flexibility for the Council and traders alike, whilst striking the correct balance in restricting the items that would normally be found more in the shops but permitting the market trade more freely and to better promote the objectives that it was designed to meet.

425. CONSTRUCTION OF 16 APARTMENTS WITH ASSOCIATED PARKING, COMMUNITY PARKING SPACES, ACCESS, AND LANDSCAPING.

APPLICATION NO: 15/00710/FUL

Mr First, the applicant representative was present and spoke in support of the application and applicant.

Cllr Day from Ingatestone Parish Councillor also spoke on the application.

Cllr Wiles **MOVED** and was **SECONDED** by Cllr Cloke for approval of the application.

Members of the committee requests that further conditions should be added to the annexed to the conditions in the report.

- 1) Bats: a survey to be undertaken and mitigation measures to be imposed as appropriate
- 2) Lighting to the foot path should where is as practically possible be lit and reach the standards of Essex County Council adopted footpaths
- 3) Details of the construction of the retaining wall feature identified on drawing number PRO38-01 rev F
- 4) Amendment to condition 15 to identify each flat is allocated at least one on-site parking space
- 5) Amendment to condition 12 to include management plans of the watercourses

For: Councillors Mrs Coe, Mrs Murphy, Wiles, Reed, Tee, Cloke, Mynott, Newberry, Morrissey, Mrs Pound and McCheyne (11)

Against: (0)

Abstain: (0)

It was **RESOLVED UNANIMOUSLY** that the application be **APPROVED** subject to completion of a Section 106 Agreement and the following conditions:

- 1 TIM01 Standards 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 U12576
Notwithstanding the details indicated in the application, no development shall take place above ground level until samples of the materials to be used in the construction of all the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Details shall include but not be limited to window profiles, balconies, bricks and roof tiles. A sample panel of the brickwork and proposed bonding shall be made available to the local planning authority as part of these details. Development shall be carried out in accordance with the approved details.

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

- 4 U12579
With the exception of the details to be approved as part of the hardstanding areas, the site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. 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 that has been 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.

- 5 U12580
All existing trees on the site indicated for retention on the approved drawings shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. If prior to the commencement of the development or within five years of the completion of the development, any such trees are removed without such consent, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority. The replacement shall be carried out within the first planting season after the Council's written agreement. Any works to existing trees which may prove

necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the local planning authority prior to the carrying out of those works.

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

6 U12575

No development above ground level shall take place until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority.

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

7 U12581

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. This issue is fundamental to the approval of these matters before the commencement of the development.

8 U12558

No development above ground level shall take place until details of the proposed footbridge and footpath as indicated on drawing 803-PL-002 rev R have been submitted to the local planning authority for approval in writing. The footbridge and pathway shall be constructed in accordance with the approved details prior to the first occupation of the

development. Maintenance of the footbridge shall be undertaken by the developer or their successors or by agreement in perpetuity.

Reason: In order to provide a pedestrian route through the site in the interests of sustainable transport methods.

9 U12559

Notwithstanding the details submitted on the proposed landscaping scheme, no development above ground level shall take place until details of all hard standing including materials have been submitted to and approved in writing by the local planning authority. The access road and areas of hardstanding shall be retained in the agreed form.

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

10 U12560

No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To enable archaeological records to be made if necessary on a site that lies within an area of known archaeological interest

11 U12562

With the exception of the clearance of the site, no development shall take place until a detailed surface water drainage strategy including calculations, and based on the submitted Flood Risk Assessment Addendum A, rev B has been submitted to and approved in writing by the local planning authority as outlined in the Flood Risk Assessment Addendum A Revision B.

Reason: To prevent flooding to the site and surrounding area by ensuring the satisfactory storage of / disposal of surface water from the site and to provide mitigation of any environmental harm which may be caused to the local water environment.

12 U12577

Prior to first occupation of the development, the applicant must submit a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and where appropriate, watercourses, and the maintenance activities / frequency.

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.

- 13 U12563
The relationship between the height of the buildings hereby permitted and adjacent buildings shall be as indicated on the approved drawing.

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

- 14 U12578
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.

- 15 U12582
The development shall not be occupied until the access road, vehicle turning areas and parking areas for each plot have been constructed in accordance with the approved layout and approved plans. All parking spaces shall be available for the parking of vehicles that are related to the use of the development.

Reason: To provide appropriate access and vehicle parking in the interest of highway safety and amenity.

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

426. DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION THREE NEW DWELLINGS.

APPLICATION NO: 16/00134/FUL

Mr Hudson was present and spoke as an objector to the application.

Mr Hunter, a representative from Hutton Mount Residents Association was also present and spoke in objection to the application.

Mr Ward-Booth, the Agent for also present and spoke in support of the application.

Cllr Reed, Ward Member spoke on the application and expressed concerned on the application relating to access to the site and the amount of hard standing on the site, and the location of Plot 3, which has moved nearer to the neighbouring property Dunelm since the previous application.

Essex County Council Highway Authority representative informed the committee that the site was in a private road and therefore the Highway Authority provided only guidance on the highway issues.

Cllr Pound **MOVED** and Cllr Cloke **SECONDED** that this application be **DEFERRED**.

For: Cllrs Cloke, Mrs Coe, McCheyne, Mrs Murphy, Mrs Pound, Wiles, (6)
Against: Cllr Newberry (1)
Abstain: Cllrs Tee, Mynott, Morrissey (3)

A vote was taken by a show of hands and it was **RESOLVED** that the determination of the application would be deferred to a later meeting for officers to provide information on the amount of hardstanding on the site and the changes in the siting of plot 3 in relation to the neighbouring dwelling, and to for Cllr. Reed to meet with the residents.

(Under 5.2 of the Constitution, Cllr Reed was not able to 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).

427. Consultation Response to Basildon Borough Council Draft Local Plan

The report sought Members agreement on a formal response to the Basildon Borough Council Draft Local Plan consultation (January 2016). A response was submitted in March to comply with the consultation deadline, subject to the approval of the Council's Planning and Licensing Committee

The Council's response set out general support for the Draft Local Plan's strategic objectives and vision. However, an objection was made on the basis that Basildon Borough failed to identify suitable and available locations for both Housing and Gypsy, Traveller and showpeople needs within the Basildon Borough.

Both Councils have a 'duty to cooperate' on planning issues that cross administrative boundaries, particularly strategic priorities. These priorities include Housing and Gypsy, Traveller and Showpeople site provision. Further work between the Councils is needed to address these issues.

Cllr McCheyne **MOVED** and Cllr Mynott **SECONDED** to agree the recommendations set out in the report.

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

- 1. Approve the response to the Basildon Draft Local Plan 2014-2034 (January 2016), as set out in Appendix A.**

2. To support on-going Duty to Cooperate work at Officer and Member level in line with the requirements of the National Planning Policy Framework.

REASONS FOR RECOMMENDATION

Basildon Council has proposed to meet some of Basildon Borough's unmet housing and Traveller need within Brentwood Borough, without the sound procedural discussion that this requires.

89% of Brentwood borough's total land area is designated as Green Belt, which severely restricts options for new development. In order to meet the identified objectively assessed needs of Brentwood Borough the Council is proposing limited release of Green Belt, potentially reducing Green belt Coverage in the Borough (Brentwood Draft Local Plan, January 2016). This is in order to meet local needs, despite Green Belt and infrastructure constraints. Adding the unmet needs of Basildon Borough is unreasonable and unjustified.

Brentwood Borough is constrained, restricting suitable and available sites for new homes, pitches or transit site provision. For this reason Brentwood Borough Council is unable to accommodate the unmet needs of surrounding districts and object to the Basildon Draft Local Plan on this premise.

The Brentwood Draft Local plan proposed a new strategic site to provide a new self sustaining community at Dunton Hills. The Basildon Draft Local Plan has proposed an extension to West Basildon, which would include new homes, a residential care/nursing home, Gypsy and Travellers pitches and park homes sites for non-travelling Gypsies and Travellers as well as employment land. The relationship between these two nearby proposals will require further dialogue.

The dialogue between Basildon Borough Council and Brentwood Borough Council has been limited beyond the initial Memorandum of Understanding for Dunton Garden Suburb.

In meeting the required Duty to Cooperate, Basildon Borough Council has acknowledged matters that require ongoing cooperation including;

- 1 'Providing the right housing types and tenures to support sustainable development including sustainable economic growth within the South Essex Strategic Housing Market Area.'
- 2 'The unmet accommodation needs of Gypsies, Travellers and Travelling Showpeople.'
- 3 'Joint working with local authorities to the west of Basildon to consider the provision of a cross boundary 'garden suburb' in the area around Dunton

- 4 To move forward with proposals contained in both draft plans further dialogue will be necessary. Brentwood Borough Council consider that the reinstatement of engagement on strategic matters with Basildon Borough Council is a priority in line with the Duty to Cooperate, particularly on issues pertinent to proposed development in the wider Dunton area.

428. Consultation response to Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan Pre-Submission Draft

The report looked at the Essex and Southend replacement Waste Local Plan Pre-Submission Draft that provides the key principles and policies proposed to guide the future management of waste in the Plan area up until 2032.

It proposed to safeguard existing waste capacity, allocate sites suitable for waste facilities and a range of policies to manage waste development.

A number of 'Strategic Sites' had been identified to meet the waste capacity needs of Essex and Southend. None had been identified in Brentwood Borough. The consultation document identified two 'Areas of Search' and eight 'Safeguarded Sites' within Brentwood Borough.

This consultation provided the final opportunity for comments to be made on the Replacement Waste Local Plan and supporting documentation before it is submitted for an Examination in Public. Only representations on matters of soundness and legal compliance can be considered by the Planning Inspectorate. Further to raising specific points regarding Areas of Search and Safeguarded Sites, the Replacement Waste Local Plan is considered to be sound and legally compliant.

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

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

1. **Approve the response to the Essex and Southend Replacement Waste Local Plan Pre-Submission Draft (March 2016), as set out in Appendix A.**

REASON FOR RECOMMENDATION

It is not considered necessary to object to the Essex and Southend Replacement Waste Local Plan Pre Submission Draft consultation on the basis of identifying two Areas of Search and safeguarding eight existing waste facilities within the Borough.

Principally the identified approach of the emerging Replacement Waste Local Plan is to meet the waste capacity requirements through strategic allocations (none of which are identified in the Brentwood Borough). The

Areas of Search would be an option for waste development should none of the strategic allocations be deemed suitable and for non-strategic sites. Any applications would still be subject to assessment against the appropriate policies of the Waste Local Plan and Brentwood Local Plan.

The Brentwood Draft Local Plan identifies sufficient additional employment land for the plan period. With the sites at West Horndon and Codham Hall Farm allocated for non-waste development the additional employment land identified in the Borough to meet future needs may be suitable as alternative locations for future waste facilities.

The Council supports the main aim of the RWLP 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.

429. Urgent Business

There were no items of Urgent Business. However the Chair thanked Cllr Tee, Cllr Carter and Cllr Sleep for their service to the Community and for their input to the Committee over the years and wished them well.

The meeting concluded at 21:30