

Minutes

Planning and Development Control Committee Tuesday, 3rd March, 2015

Attendance

Cllr Baker (Chair)	Cllr McCheyne
Cllr Mynott (Vice-Chair)	Cllr Morrissey
Cllr Carter	Cllr Parker
Cllr Cloke	
Cllr Mrs Hones	
Cllr Hossack	

Apologies

Cllr Mrs Henwood
Cllr Mrs Squirrell
Cllr Mrs Cohen

Substitute Present

Cllr Parker (Substituting for Cllr Mrs Henwood)
Cllr Aspinell (Substituting for Cllr Mrs Squirrell)
Cllr Chilvers (Substituting for Cllr Mrs Cohen)

Also Present

Cllr Le-Surf
Cllr Tee
Cllr Foan – West Horndon Parish Council

Officers Present

Philip Cunliffe-Jones	Planning Solicitor
Gordon Glenday	Head of Planning & Development
Claire Hayden	Governance and Member Support Officer
Caroline McCaffrey	Development Management Team Leader
David Carter	Senior EHO (Team Leader)
Jonathan Binks	Planning Assistant
Carole Vint	Customer Services Team Leader
Dean Baker	Enforcement Officer

467. Apologies for absence

Apologies for absence were received by Cllr Mrs Henwood, Cllr Parker substituted. Cllr Mrs Cohen, Cllr Chilvers substituted and Cllr Mrs Squirrell, Cllr Aspinell substituted.

468. Minutes of the previous meeting

The Minutes of the meeting held on 3rd February 2015 were agreed and signed by the Chair as a correct record, subject to amendment to Cllr Mynott's title, from Mayor to Vice-Chair.

469. Planning Application and Matters

The Chair reminded those present of the procedure to be followed in order to allow the public, etc, to speak at the meeting, where requisite notice had been given.

Notwithstanding any comments made by the public, etc, Members were reminded that they had to base their decision on the material planning considerations appertaining to each application.

**470. LAND ADJACENT TO GARAGES AT 49 SIR FRANCIS WAY
BRENTWOOD ESSEX**

**CREATION OF A GRASSCRETE SURFACE FOR CAR PARKING SPACES
ON GRASS VERGE, WITH THE INCLUSION OF TIMBER POSTS AND
FLUSH CONCRETE KERBING.**

APPLICATION NO: 14/01494/BBC

A Ward Member spoke in support of the application.

A member raised concerns on the parking bays being used by commuters, as they are situated in walk distance to Brentwood Station.

Members asked for a parking restriction to residents of Sir Francis Way be applied.

A Motion was **MOVED** by Cllr Chilvers and **SECONDED** by Cllr Baker that planning permission be approved.

For: Cllr Aspinell, Baker, Chilvers, Cloke, Hossack, Mrs Hones,
McCheyne, Morrissey, Mynott and Parker (10)

Against: (0)

Abstain: (0)

Cllr Carter was not present for this item and therefore did not take part in the vote.

RESOLVED that planning permission is approved, subject to the following conditions.

- 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.

471. Modern Planning Service

The report laid out proposals to improve delivery of the Council's planning services for recommendation to Full Council, where necessary

The proposals are for early engagement of Members by an e-mail alert of valid applications in the Ward or Parish to be sent daily at 9 p.m. - before neighbour notifications are received. Members who wish to track progress of an application will be provided with status updates throughout its progress. Members can register an interest in any application, but only Ward Members and the Chair Vice-Chair would be able to request Call-In with a revised pro forma. The Chair would have the final decision after discussion with the Head of Planning.

Training and Guidance Notes to be new system will be circulated and given to all Members and Parish Councils who request them.

A Member informed the Chair of his visit to Eastbourne Council to view recent transformation within their Planning Department. The Chair suggested that the Committee extend an invitation to Eastbourne Council to learn about their process of transformation.

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

For: Cllr Aspinell, Baker, Carter, Chilvers, Cloke, Hossack, Mrs Hones, McCheyne, Morrissey, Mynott and Parker (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY

- 1. That all planning decisions to be delegated to the Head of Planning other than for those retained to the Committee, or referred to the Committee, as set out in the revised delegation arrangements and call-in referral protocols.**
- 2. The replacement of the weekly list production by email alert of validated applications and method of call-in of planning applications by Ward Members, Parish Councils or Chair /Vice Chair to Committee.**
- 3. That enforcement issues (including injunctions/stop notices/ prosecutions and listed building offences) be determined having regard to the Planning Enforcement Plan when adopted.**
- 4. That revised planning protocols, delegation arrangements and other Constitutional changes to implement the above are recommended to the Council meeting on the 24th March 2015.**
- 5. That the Head of Planning in consultation with the Chair of Planning and Development Committee be authorised to make any non material changes needed to the Appendices before publication.**

472. Planning and Building Control Fees and Charges Review

The report reviewed the Council's Planning and Building Control non-statutory fees and charges. Current fees and charges had been benchmarked against the rates charged in other Essex councils and some East London Boroughs to gauge how Brentwood's rates compare with similar services elsewhere in the area.

The evidence suggests that Brentwood is currently undercharging for the planning and building control services it provides. It is therefore proposed to increase the planning and building control fees and charges to a more appropriate level given the level of service currently offered. It is also proposed to review the planning and building control fees annually to ensure

they reflect the services provided and prevalent market conditions in the development industry. It is important for the Council to undertake an annual review of fees and charges moving forward as Council budgets continue to reduce and the need to increase income external sources such as fees and charges becomes increasingly important. The need for high quality and cost effective services, and for the modern planning service outlined on the three linked reports to the Committee, require an expansion of advice and reduction of tasks which delay efficiency or the achievement of key performance indicators

No increase in photocopying charges for Planning or Building Control is proposed.

A very recent ruling in the High Court has struck out a fixed tariff monitoring fee of 5% in the administration of Section 106 Agreements. Examples of alternative practices in other authorities including that of the City of Newcastle were now being examined for best practice of recovery of inspection and monitoring costs where required and appropriate in Section 106 Agreements

After a brief discussion a motion was **MOVED** by Cllr Aspinell and **SECONDED** by Cllr Baker to approve the recommendations set out in the report.

For: Cllr Aspinell, Baker, Carter, Chilvers, Cloke, Hossack, Mrs Hones, McCheyne, Morrissey, Mynott and Parker (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY

- 1. That the Council's Planning and Building Control non-statutory fees and charges be amended to the rates outlined in paragraph 4.3 of the report, with effect from 1 April 2015.**
- 2. That all Planning and Building Control non-statutory fees and charges are reviewed annually and revised where appropriate, as agreed by Head of Planning and Development and the Chair of the Planning and Development Committee.**
- 3. That in relation to recovery of costs relating to the inspection and monitoring of Section 106 Agreements, standard clauses be introduced with the agreement of the Head of Planning and Chair of Planning and Development.**

473. Enforcement Plan Adoption Report

The report set out responses to the consultation Draft Enforcement Plan, including internal consultations, and provided an update on a Government fund for Legal injunctions. Bidding Local Authorities must have an adopted enforcement plan for three months prior to bidding for financial support for injunctions under planning powers.

A scoring chart for assessing harm and expediency for taking action is recommended for inclusion in the Enforcement Plan with amendments to ensure that Government on-line and Best Practice Guidance is also fully referenced. New procedures are also required for recording enforcement decisions taken pursuant to the Openness of Local Government Bodies Regulations 2014 and published on the web site.

The report recommended that subject to the Committee's decision on the proposals set out in the report, the Enforcement Plan be recommended to the Council for adoption as amended, with additional recommendations as to delegation, reporting, technology, tree protection and performance reviews and a revised recommendation 2.3.

A Member expressed concern that in the absence of a paper weekly list an alternative means of keeping Ward Members informed of the position should be devised.

After a full discussion a motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Mynott, subject to change to recommendation 2.3 to approve the recommendations set out in the report.

For: Cllr. Aspinell, Baker, Carter, Chilvers, Cloke, Hossack, Mrs Hones, McCheyne, Morrissey, Mynott and Parker (11)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY

- 1. That the Planning Enforcement Plan be amended as agreed and recommended to the Full Council on 24th March for adoption with effect from 1st April 2015;**

2. **That the eligibility criteria (Appendix A of the Report) for the Planning Enforcement fund for authorities which have adopted an enforcement plan and wish to bid for funding assistance for a Court injunction be noted;**
3. **That the Full Council be recommended to delegate to the Head of Planning and Development, and in his absence to either the Team Leader of Development Management or Planning Policy, all planning enforcement decisions subject to the Enforcement Plan. Decisions to recommend any type of stop notice, injunction or prosecution action shall not be taken under delegated authority except after consultation with the Chair or Vice-Chair of the Planning and Development Control Committee and having regard to such advice as may be practicable and appropriate. A record of all enforcement decisions taken shall be made in accordance with Appendix B;**
4. **That the use of technology, including the adoption of Middleware, be progressed for pre-applications, local requirements and enforcement complaints;**
5. **That a review of Enforcement Plan operation be considered annually by the Committee.**

474. Cottage Garden, Beads Hall Lane, Brentwood - 14/01069/FUL

The report to the Committee at its January meeting was re-presented with an update which examined the status of the land as Previously Developed Land ("PDL" or brownfield land) within the definition in the glossary to the NPPF. Photographs were displayed showing the remains of a building and the site and the wider landscape. The previous report had considered the planning issues if the land was considered PDL and if it was not. It was common ground with the agent for the applicant that the site was not PDL and very special circumstances are required to justify a new building in the green belt.

Such very special circumstances entailed examination of the needs of the applicant's daughter for specialist housing, and a legal agreement to secure permanent arrangements for the whole site.

A motion was **MOVED** by Cllr Baker and **SECONDED** by Cllr Aspinell that the exempt item should be discussed in a private session.

RESOLVED UNANIMOUSLY that the Press and Public be asked to leave the meeting during the discussion of the remaining item of business because exempt information as defined in paragraph 3 of Part I of Schedule 12A Local Government Act 1972 is likely to be made known .

The Committee considered a report and a draft legal agreement whereby before planning permission is granted the design of the proposed dwelling

would be adapted in accordance with advice to the Council from an Occupational Therapist with knowledge of the Care Plan of the applicant's daughter. No further residential development would be allowed on the site. After construction the existing mobile home on the site will be removed permanently outside the Borough and the property will be retained as specialist needs housing for fifty years. The property will only be occupied by the applicant and his daughter as their principal home, and also carers and visiting members of the family. If the site is sold or transferred (other than to a family trust under details to be submitted to and approved by the Council) during the period of fifty years the use will be as specialist needs housing and rights are secured for the Council to secure adaptations if appropriate for future specialist housing requirements. The draft legal agreement also provides that the owner will not apply for permission or permit any other residential development or occupation of the site. The Council agree to co-operate with Health and Social Services Authorities to approve reasonable adaptations of the submitted plans.

Councillor Aspinell considered that the personal needs and the detailed conditions for fifty years constitute very special circumstances to outweigh the harm to the green belt, and advised that all the residents in Beads Hall Lane adjoining the site supported the application. After a full discussion a motion was MOVED by Cllr Aspinell and SECONDED by Cllr Chilvers to approve this application on the basis that very special circumstances apply in this particular instance.

For: Cllr Aspinell, Baker, Carter, Chilvers, Morrissey and Mynott (6)

Against: Cllr Cloke , Hossack, Mrs Hones, McCheyne and Parker (5)

Abstain: (0)

RESOLVED that, subject to the prior completion of the legal agreement under Section 106 Town and Country Planning Act 1990 and the Housing Act 1985, planning permission be granted for the construction of a permanent dwelling with such adaptations and conditions as the Head of Planning in consultation with Environmental Health considers appropriate and necessary to the drawings submitted as application 14/01069/FUL

(Cllr Hossack and declared a non pecuniary interest under the Council Code of Conduct by virtue of living within the proximity of the site and Councillor Parker declared a non pecuniary interest under the Council Code by virtue of the fact that some of his fields are in the vicinity of the site).

475. Urgent business

There were no items of Urgent Business.
