

# Minutes

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## Planning and Licensing Committee Wednesday, 21st February, 2018

### Attendance

Cllr Ms Sanders (Chair)	Cllr Mynott
Cllr Faragher (Vice-Chair)	Cllr Newberry
Cllr Bridge	Cllr Reed
Cllr Chilvers	Cllr Mrs Slade
Cllr Mrs Middlehurst	Cllr Wiles
Cllr Morrissey	

### Apologies

Cllr Mrs Murphy

### Substitute Present

Cllr Russell

### Also Present

Cllr Lockhart - Blackmore Parish Council

### Officers Present

Surinder Atkar	-	Planning Solicitor
Nick Howard	-	Development Management Team Leader
Philip Drane	-	Planning Policy Team Leader
Claire Mayhew	-	Corporate and Democratic Services Manager
Brooke Pride	-	Planning Officer

### 277. Apologies for Absence

Apologies were received from Cllr Mrs Murphy with Cllr Russell substituting.

### 278. Minutes of the Previous Meeting

The minutes of the meeting held on 31<sup>st</sup> January 2018 were approved as a true record, subject to an amendment to the recorded vote under Min 263 – Brigade Head Quarters, Rayleigh Road, Hutton, Brentwood, Essex. Application No. 17/01527/OUT to state:-

**FOR:** Cllrs Wiles, Mrs Murphy, Ms Middlehurst, Reed, Ms Slade, Bridge, Chilvers, Newberry, Ms Sanders and Faragher (10)

**AGAINST:** Cllr Mynott (1)

**ABSTAIN:** (0)

**279. 6C HATCH ROAD PILGRIMS HATCH ESSEX CM15 9PX Application No: 17/01775/FUL**

The application sought planning permission for the retention of a garage.

Mr Hunt, the applicant was present and addressed the committee in support to the application.

Ward Members, Cllr Mrs Davies and Cllr Kendall were present and expressed their concerns.

The site was a very contentious site when the application was first submitted for the dwellings in 2011. On appeal the Inspector's advice, stated clearly that development rights had be removed. How did the garage get to such an advance state, their concerns were reported to the Enforcement Team.

Questions were raised, relating to the authority going against the inspector decision, this would be set a precedent.

Mr Atkar, Planning Solicitor, confirmed just because the Inspector had withdrawn permitted development rights in the case before him did not take away the Council's discretion to decide and determine a fresh application on its own merits. In any event the Inspector in his decision had reserved the possibility of the LPA doing just that on a fresh application.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Chilvers to **REFUSE** the application, due to Planning Policies C1, 2 and 3 being shown and Inspector's reviews not be relevant.

A vote was taken by a show of hands and the Members voted as follows:

**FOR:** Cllrs Mynott, Newberry, Chilvers and Morrissey (4)

**AGAINST:** Cllrs Wiles, Russell, Ms Middlehurst, Ms Sanders and Faragher (6)

**ABSTAIN:** Cllrs Ms Slade, Reed and Bridge (3)

The motion was **LOST**.

Views were expressed about this being a retrospective application but should be reviewed as any normal application and authority be given to the local authority to make the decision.

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Faragher to **APPROVE** the application subject to conditions within the report and in accordance with the approved plans. The applicant to re-submit new plans within one month to reflect what has been constructed on site. Delegation authority is given to the Planning Officer.

A vote was taken by a show of hands and the Members voted as follows:

**FOR:** Cllrs Mynott, Newberry, Chilvers and Morrissey (4)

**AGAINST:** Cllrs Wiles, Russell, Bridge, Ms Middlehurst, Ms Sanders and Faragher (7)

**ABSTAIN:** Cllrs Ms Slade and Reed (2)

The motion was **CARRIED** subject to the following conditions:-

- 1 DRA01A Development in accordance with drawings  
The development hereby permitted shall be retained 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.

## **280. Enforcement Plan**

The report had set out an updated version to the Enforcement Plan.

Mr Howard, presented the report to members. Advising them of no major changes and the plan was being made shorter and user friendly.

Cllr Bridge, express concerns over the protection of the informant and asked for clarification on when their identify may make them to be disclosed.

Mr Atkar, confirmed any informant on a planning infraction would have their identity confirmed in the normal course of events but if the matter reached Court and such a witness gave evidence it would be difficult to preserve anonymity.

The Chair also asked about entrance to properties without the owner being present. Mr Howard explained that permission will be sought, if not a warrant can be used.

Cllr Chilvers, expressed concerns over the Health and Safety issues relating to construction site. She asked for clarification on who's is responsible to enforce, the Council or other authority.

Mr Howard advised that untidy site enforcement is undertaken by the local authority in liaison with Environmental Health. Conditions on building hours is set out in a Construction Management Statement as part of the decision.

After a full discussion a motion was **MOVED** by Cllr Ms Sanders and **SECONDED** by Cllr Faragher to approve the recommendation in the report.

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

#### **1. For Members to agree the Draft Planning Enforcement Plan (February 2018).**

##### **Reasons for Recommendation**

To ensure that the Council have an up to date enforcement plan that was transparent and concise. It set the scene for the Council to move forward to an internet-based enforcement system whereby Members and the public could access details of and track the progress of enforcement cases on-line.

*(Cllr Russell left the room during the debate and therefore didn't take part in the vote).*

#### **281. Response to the Rochford Local Plan Issues and Options Consultation**

The report sought approval on a formal response from Brentwood Borough Council to the Rochford New Local Plan Issues and Options consultation document (Regulation 18).

The proposed response conveyed broad support of Rochford District Council's aims in preparing a new local plan. The Rochford Plan was at the early stages of the plan-making process with little specific details provided on the strategic approach for the area.

Brentwood Borough Council had recently signed a Memorandum of Understanding for joint working with other South Essex local authorities, including Rochford District Council. The Association of South Essex Local Authorities (ASELA) met regularly on a number of workstreams including strategic planning and cross-boundary issues.

Mr Drane, presented to report to the committee.

Cllr Bridge, made reference to paragraph 4 of the proposed response (Appendix A), in terms of Rochford District Council's proposal to deliver homes in addition to local objectively assessed need. He asked for an amendment to made to paragraph 4 to reflect a more positive encouragement of the proposal.

A motion was **MOVED** by Cllr Wiles and **SECONDED** by Cllr Faragher to approve the recommendation in the report, subject to the amendment to paragraph 4 as requested by Cllr Bridge.

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

**1. To approve the response to Rochford District Council's New Local Plan Issues and Options document (December 2017), as set out in Appendix A (of the report).**

#### **Reasons for Recommendation**

Rochford District Council were at the early stages of the plan-making process. No policies or site allocations had been proposed as part of this consultation and so the proposed response focused on high-level strategic issues.

It was considered appropriate that Brentwood Borough Council expressed broad support for Rochford District Council's efforts to develop a local plan in accordance with national policy and guidance, and the commitment to continued collaboration through the duty to cooperate on strategic planning matters that affect South Essex.

### **282. Response to the Draft London Plan Consultation**

The report sought approval on a formal response from Brentwood Borough Council to the Draft New London Plan (the Spatial Development Strategy for Greater London), prepared by the Greater London Authority on behalf of the Mayor of London.

The proposed response conveyed broad support of the Draft Plan and sought clarification or additional information on some of the proposed policies and the approach to meeting London's full housing needs targets and the proposal for the Wider South East as outlined in section 4 of the report.

Given Brentwood Borough's neighbouring proximity to Greater London, there were a number of strategic planning and cross-boundary issues, such as housing, infrastructure, employment, and Green Belt.

Mr Drane, present the report to Members and highlighted the potential shortfall of over 20,000 homes over the plan period.

Cllr Mynott, asked for a typographical error in paragraph 4 of the proposed response (Appendix A) to be amended, correcting the text from "City of London" to "Greater London", which was noted by the Officer. Clarification on the term South East Opportunity Area was raised and a discussion held on the nature of the Greater London Authority intention to invite willing partners to work with them to meet unmet housing needs.

Cllr Bridge, requested an amendment be made to paragraph 6 of the proposed response (Appendix A), for the wording to be made clearer without

losing the substance of the text, and that delegated authority be given to the Planning Policy Team Leader in consultation with the Chair of the Planning and Licensing Committee on this amendment.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Sanders to approve the recommendation in the report, subject to the amendments of paragraphs 4 and 6 requested by Cllr Bridge and Cllr Mynott.

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

**1.To approve the response to the Draft New London Plan as set out in Appendix A (of the report).**

#### **Reasons for Recommendation**

The Draft New London Plan was at the final stages of the plan making process. The plan was expected to be submitted for an examination in public in Autumn 2018. This would be the Council's final opportunity to make representations regarding the London Plan.

It was considered appropriate that Brentwood Borough Council expressed general support for the draft London Plan, whilst seeking clarification and additional information on some of the proposed policies regarding the approach to meeting housing targets and proposals for the Wider South East.

#### **283. Urgent Business**

There were no items of urgent business.

The meeting concluded at 8.40pm