

Minutes

Planning and Licensing Committee Tuesday, 16th October, 2018

Attendance

Cllr Ms Sanders (Chair)	Cllr Mynott
Cllr McCheyne (Vice Chair)	Cllr Reed
Cllr Haigh	Cllr Mrs Slade
Cllr Chilvers	Cllr Trump
Cllr Keeble	

Apologies

Cllr Pound
Cllr Nolan
Cllr Morrissey

Substitute Present

Cllr Wiles
Cllr Middlehurst

Also Present

Cllr Parker	
Cllr Terry Lockhart	- Blackmore Parish Council
Cllr Colin Foan	- West Horndon Parish Council

Officers Present

Paul Adams	- Principal Licensing Officer
Surinder Atkar	- Planning Solicitor
Nick Howard	- Development Management Team Leader
Caroline McCaffrey	- Development Management Team Leader
Daryl Cook	- Assistant Planner
Max Gibson	- Assistant Planner
Claire Mayhew	- Corporate and Democratic Services Manager
Lorne Spicer	- Business Development and PR Manager

161. Apologies for Absence

Apologies were received from Cllr Nolan and Cllr Ms Middlehurst was present as a substitute and Cllr Pound and Cllr Wiles was present as a substitute. Apologies were also received at the beginning of the meeting by Cllr Morrissey, no substitute was present.

162. Changes to Animal Welfare Licensing

The Council is currently the Licencing Authority for dog breeding establishments, animal boarding establishments, riding establishments, pet shops and the registration of performing animals. Each of these areas of licensing are subject to separate Legislation.

The Animal Welfare Act 2006 provides the Secretary of State, by The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 the power to repeal the existing licensing laws and introduces an updated licensing system in England for five activities involving animals, namely:

- Selling animals as pets;
- Providing for or arranging for the provision of boarding for cats or dogs;
- Hiring out horses;
- Dog Breeding; and
- Keeping or training animals for exhibition.

Animal Welfare (Licensing of Activities Involving Animals) Regulations come into force on 1st October 2018 and requires the Council to have in place procedures (together with fees and charges) for the new licensing system.

The Planning & Licensing Committee are requested to consider a report and make recommendations to Full Council with respect to the forthcoming changes to animal licensing. In particular, Members are requested to consider the fees and charges associated with the new regime, the scheme of delegation and the determination of the appeals procedures with respect to a risk rating.

After a full discussion, Cllr Ms Sanders **MOVED** and Cllr McCheyne **SECONDED** the recommendations in the report be **APPROVED**.

1. That the Planning and Licensing Committee Recommends to Full Council:

2. To set the fees and charges with respect to The Animal welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 as set out in table 1 of Appendix A for the period from 1st October 2018.

3. To approve the procedure for determining an appeal against a risk rating following the inspection/renewal of an operator as set out in Appendix C.

4. To note the scheme of delegation as set out in table 2 of Appendix B.

A vote was taken by as shown on hands and it was **RESOLVED UNANIMOUSLY**.

**163. The Birches, 71 Peartree Lane, Doddinghurst Road, Essex CM15 0RJ
Application No. 18/01236/FUL**

Loft conversion to include two dormers to the front and one at rear of dwelling and add single storey rear extension to include a roof lantern. existing garage to be demolished and construction of new attached garage with dormer to front and rear plus the removal of a chimney.

Mr Reed, a supporter was present and addressed the committee his support to the application.

Mrs Wright, the applicant, was also present and addressed the committee in support of her application.

Cllr Parker, Ward Member was present and addressed the committee of his support to the application.

Cllr McCheyne, Ward Member addressed the committee in support of the application and expressed concerns relating to the accommodation value as a bungalow in the village and the call for family homes and will not be of interest to elderly residents in the area due to the road not having any street lights, and that a precedent had been set up the road. .

Member expressed concerns that the policy H7 was being ignored, that it applied Borough wide, and is still a relevant policy

Cllr McCheyne **MOVED** a motion for the application to be **APPROVED** this was **SECONDED** by Cllr Wiles.

A vote was taken by a show of hands.

Members voted as follows:

FOR: Cllr Ms Sanders, Cllr McCheyne, Cllr Wiles, Cllr Ms Middlehurst and Cllr Reed (5)

AGAINST: Cllr Chilvers, Cllr Mynott, Cllr Keeble, Cllr Haigh and Cllr Trump (5)

ABSTAIN: Cllr Ms Slade (1)

The Chair had the casting vote and it was **RESOLVED** that the application be approved subject to the following conditions.

Development within 3 years for start time; in accordance with plans and materials to match existing dwelling.

(Cllr Haigh declared a non-pecuniary interest under the Council's Code of Conduct by the virtue of knowing a person that lives in the vicinity of the property).

164. The Coach House, Merrymeades Chase, Brentwood, Essex

Improvement of external areas to include construction of external pathway, repair and resurfacing of hardstanding in parking area, new timber play equipment and seating, repair to sandpit, new fencing and clad to existing compound, repair and addition of areas of artificial grass.

Cllr Mynott, Ward Member spoke in support of the application.

Cllr Slade, Ward Member also give her support to the application.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** that the Application be APPROVED.

Members voted as follows:

FOR: Cllr Ms Sanders, Cllr McCheyne, Cllr Mynott, Cllr Chilvers, Cllr Haigh, Cllr Keeble, Cllr Trump, Cllr Ms Slade, Cllr Reed, Cllr Ms Middlehurst and Cllr Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

It was **RESOLVED UNANIMOUSLY** to **APPROVE** the application 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.

3 Landscaping – Details Submitted

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 and the setting of the heritage asset

(Cllr Reed declared a non-pecuniary interest under the Council's Code of Conduct by the virtue of his employment by Brentwood Leisure Trust who lease Merrymeade House which is adjacent to the property).

165. 66 High Street, Brentwood, Essex CM14 4AN Application No. 18/01302/FUL

Change of use of commercial units from A1 (retail) to A3 (restaurant) and construct extraction duct to rear of premises.

Mr Mass, the applicant was present and addressed the committee in support of the application.

Cllr Wiles, Ward Councillor spoke in support of the application.

Members expressed concerns that the application failed to meet local plan Policy TC7 and that the volume of Restaurants within A3 use was already substantial within that area. However, some Members expressed a view that the benefits of the unit being occupied and not empty was important, and were led to believe that there appears to be a interest for more restaurants in the High Street.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** to **REFUSE** the application.

A vote was taken by a show of hands.

Members voted as follows:

FOR: Cllr Chilvers, Cllr Mynott, Cllr Haigh, Cllr Keeble, Cllr Reed and Cllr Middlehurst (6)

AGAINST: Cllr Trump and Cllr Ms Slade (2)

ABSTAIN: Cllr Ms Sanders (1)

Cllr Wiles referred this item to committee, therefore is unable to vote. Cllr McCheyne didn't vote due to his non-pecuniary interest.

The Motion was **RESOLVED** to **REFUSED** for the following reason:-

R1 U27287

The proposed change of use of this unit, currently in an operative A1 retail use, to a non retail use would further increase the percentage of non retail uses in this central high street shopping frontage location which is already far in excess of the 40 percent limit contained in the Policy. It would also lead to a row of four substantially non A1 units together. The National Planning Policy Framework 2018 confirms the legitimacy of seeking to retain uses within primary shopping areas such as this. The proposal therefore would further challenge the vitality of retail in this high street location contrary to Policy TC7 of the Brentwood Replacement Local Plan 2005 and the National Planning Policy Framework 2018.

(Cllr Reed declared a non-pecuniary interest under the Council's Code of Conduct by the virtue as Chairman of Brentwood/Ongar Conservative Associations whose Offices are situated close the application site. Cllr McCheyne declared a non-pecuniary interest under the Council's Code of Conduct by the virtue knowing the Applicant and therefore didn't take part in the debate or vote. Cllr Ms Sanders declared a non-pecuniary interest under the Council's Code of Conduct by the virtue of applicant being known to a member of her family)

166. Urgent Business

There were no items of urgent business and the meeting concluded at 20.42.