

Minutes

Planning and Licensing Committee Tuesday, 27th July, 2021

Attendance

Cllr J Cloke (Chair)	Cllr Heard
Cllr Bridge (Vice-Chair)	Cllr Laplain
Cllr Barber	Cllr Mynott
Cllr Dr Barrett	Cllr Tanner
Cllr Cuthbert	Cllr Wiles
Cllr Gelderbloem	

Apologies

Cllr Fryd

Substitute Present

Also Present

Cllr Hossack
Cllr McLaren

Officers Present

Caroline Corrigan	- Development Management Team Leader
Max Gibson	- Planning Officer
Daryl Cook	- Planning Officer
Brooke Pride	- Planning Officer
Mike Ovenden	- Associate Consultant Planner
Steven Bell	- Solicitor, Birketts (for and on behalf of the Council's Solicitor)
Zoe Borman	- Governance and Member Support Officer

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

82. Apologies for Absence

Apologies had been received from Cllr Fryd.

83. Minutes of the Previous Meeting

The Minutes of the Planning and Licensing Committee held on 29th June 2021 were approved as a true record subject to the following changes:

Cllrs Barber, Heard, and Gelderbloem to be added as attendees.

Note spelling of Cllr Dr Barrett.

Cllr Mynott requested that on page 28 of the Minutes in relation to the deferral of the application where they read "Following discussion and with regard to the need for clarification of the highways position and additional site visits for Members" an additional paragraph is added clarifying the position for deferral to read:

"The highway's position was opposed to the application and recommended refusal. Cllr Mynott commented that Brentwood's precedent is, if Highways are recommending refusal, that the committee tends to refuse. Also, the Chair advised the committee that he had received a telephone call earlier in the day from Essex County Councillors saying there was a highways issue, however, this was not from the Essex Highways department".

Cllr Cloke wished to change the second paragraph on page 29 of the Minutes which read:

"Members also considered necessary a requirement in s.106 Agreement to deal with a clawback of monies to be used for affordable housing in the Borough to meet policy based on the developer providing viability documents for assessment and the site being more viable than that previously suggested."

To read:

"Members also considered necessary a requirement in s.106 Agreement to deal with a clawback of monies to be used for affordable housing in the Borough based on the developer providing evidence of actual decontamination/remediation costs and the site thereby being shown to be more viable than previously suggested."

84. Minutes of the Licensing Sub Committee (14 July 2021)

The Minutes of the Licensing Sub Committee which took place on the 14th July were approved as a true record.

The Minutes of the Licensing Sub Committee which took place on 28th June will be resolved at the next Planning and Licensing Committee.

85. Application N: 21/01019/ADV; 2-8A Harewood Road, Pilgrims Hatch, Essex CM15 9PD

The application had been referred to Planning and Licensing Committee as

the applicant and owner of the building/land is Brentwood Borough Council.

Advertisement consent was being sought for the following:

1 x Co-op Fascia sign with halo illuminated logo and non-illuminated lettering,
2 x Co-op non-illuminated fascia signs,
1 x Post Office non-illuminated projecting sign,
1 x Post Office non-illuminated Service Menu Board and
2 x Co-op logo externally illuminated (trough light) projecting signs.

Mr Daryl Cook presented the report.

A statement from Mr Edge on behalf of the applicant was read by the Chair in support of the application.

Following discussion a motion to **APPROVE** the application was moved by Cllr Mynott and **SECONDED** by Cllr Tanner.

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

FOR: Cllrs Barber, Dr Barrett, Bridge, Cloke, Cuthbert, Gelderbloem, Heard, Laplain, Mynott, Tanner and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

The application was **APPROVED** subject to conditions as outlined in the report.

86. Application No: 21/01018/BBC; 2-8A Harewood Road, Pilgrims Hatch, Essex CM15 9PD

The application had been referred to Planning and Licensing Committee as the applicant and owner of the building/land is Brentwood Borough Council.

Planning permission was sought for installation of plant to rear yard area and 2.5m high close boarded timber fence enclosure at 2-8A Harewood Road, Pilgrims Hatch, Brentwood. The plant consists of external x4 Air Conditioning units (AC) and refrigeration plant.

Mr Daryl Cook presented the report.

Following discussion a motion to APPROVE the application was moved by Cllr Mynott and SECONDED by Cllr Tanner.

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

FOR: Cllrs Barber, Dr Barrett, Bridge, Cloke, Cuthbert, Gelderbloem, Heard, Laplain, Mynott, Tanner and Wiles (11)

AGAINST: (0)

ABSTAIN: (0)

The application was APPROVED subject to conditions as outlined in the report.

87. Application No: 21/00550/HHA: 121 Coxtie Green Road, Brentwood

This application had been referred by Cllr McLaren for the following reason:

'The size of the applicant's development is modest and will have no impact from a greenbelt / openness perspective.

The officer is using the existing detached garage as a reference point for measuring impact, which I believe is inappropriate.

The applicant has already removed a significant, unsightly (and impractical) side extension. The impact of the proposed small first floor addition in my view causes far less harm to the neighbourhood / street scene than the harm that was caused by the extension that has been removed.'

In the referral agreement email reference was also made to development on a nearby site (estimated at 100m away) which is commented on as 'three storey houses that can't be far from being twice as high and far more out of character than this.'

This application proposes the demolition of existing single storey side and rear additions and the construction of a two storey side extension, two front dormers, enlargement of an existing rear dormer, repositioning of front door to include addition of porch at front, alterations to fenestration and add safety rails to rear terrace at No. 121 Coxtie Green Road, Pilgrims Hatch.

Mr Max Gibson presented the report.

The applicant, Mr Giddens, was present at the meeting and spoke in support of the application.

Cllr McLaren, Ward Councillor, was also present and spoke in support of the application.

Cllr Mynott expressed concerns regarding the fact that this was a disproportionate addition to the property and he could see no special circumstances for building upon green belt.

A motion was **MOVED** by Cllr Mynott to **REFUSE** the application and **SECONDED** by Cllr Laplain.

A vote was taken and Members voted as follows:

FOR: Cllrs Cuthbert, Laplain and Mynott (3)

AGAINST: Cllrs Barber, Bridge, Cloke, Gelderbloem, Heard, Tanner and Wiles (7)

ABSTAIN: Cllr Dr Barrett (1)

The motion to **REFUSE** the application was **LOST**.

Following further debate a motion was **MOVED** by Cllr Cloke and **SECONDED** by Cllr Bridge to **APPROVE** the application.
A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Bridge, Cloke, Gelderbloem, Heard, Tanner and Wiles (7)

AGAINST: Cllrs Cuthbert, Laplain and Mynott (3)

ABSTAIN: Cllr Dr Barrett (1)

The application was **APPROVED** subject to the following conditions:

1

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

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

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building, apart from the safety rails surrounding the first floor rear balcony.

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

4

Notwithstanding the details indicated in the application, the first floor rear balcony shall not be used by the occupiers of the dwelling until samples of the safety railings to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

88. Application No: 21/00409/HHA: 45 Nags Head Lane, Brentwood

The application had been referred to the Committee by Councillor McLaren for the following reason:

“I understand that the proposal has been judged on a purely metric basis against prior applications, however, in the context of the building and neighbourhood the proposal is modest and does not negatively impact the surroundings. I am given to understand that the resident could demolish his property and rebuild on the scale that is being refused by this application, which in my view nonsensical. In my opinion members should be given the opportunity to use their discretion as to the reasonableness of the proposed refusal.”

This application related to a single storey rear extension.

Ms Brooke Pride presented the report.

The Applicant, Mr Gary Gordon, was present at the meeting and spoke in support of the application. Ward Councillor, Cllr McLaren also addressed the committee supporting the application.

Following debate, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Laplain to **REFUSE** the application.

A vote was taken and Members voted as followed:

FOR: Cllrs Barber, Dr Barrett, Bridge, Cloke, Cuthbert, Gelderbloem, Heard, Laplain and Mynott (9)

AGAINST: Cllr Tanner (1)

ABSTAIN: Cllr Wiles (1)

The motion to **REFUSE** the application was **RESOLVED**.

89. Application No: 20/01800/FUL: Hutton Country Park, Wash Road, Hutton

This application was reported to committee as it relates to development of land owned by Brentwood Borough Council.

This application relates to the installation of a 49.9MW battery energy storage system and associated infrastructure. Access to the site would be achieved direct from Wash Road, via the existing access to the substation site, it would then run along the northern boundary with the main body of the site to the rear (east) of the substation. The overall site area is 2.18 hectares, with the area proposed for the two battery compounds and the substation compounds being

4900 sqm (0.49 hectares) plus a temporary construction compound of 1880sqm. The northern battery compound and the substation compounds would be separated by the line of existing overhead lines from the southern battery compound by a gap of 13 m widening at the west end.

The site currently forms part of the Hutton Country Park which covers an area of 36 hectares. Of this approximately 11 hectares is to the north of the railway line, with the remainder to the south. The site to the north of the application site is open land, with the River Wid and Hunts Farm beyond, to the east by open land, to the south is the Shenfield to Billericay railway line section, to the west by Shenfield Electrical Substation with Wash Road beyond. There are no formal public rights of way on the application site shown on the definitive highway map, though currently the site is open allowing people to roam.

The development proposes:

- 28 steel containers, each approximately 12.2m long, 2.44m wide, and 3.3m in height (including foundations) from ground level; dark green in colour
- The containers would be arranged in two lines of 14 units, each group contained by 2.1 m high fencing
- A steel transformer would be located between each container (28 in total), 2.59m in height from ground level, and as such do not exceed the height of the containers;
- Three Power Conversion System (PCS) cabinets would be sited next to each container (1.3m long, 1.5 wide, 2.6m tall on foundations);
- it is proposed to erect a 3m high acoustic fence immediately to the north of each of the two rows of containers
- Two 'customer substations' measuring 6m in length, 2m in width and 2.8m in height from ground level;
- A 132kV substation compound with ancillary Distribution Network Operator (DNO) substation structure approx. 3.95 high coloured green.
- The site area of the 132kV substation compound is approx 725sqm and adjacent to that would be DNO structure. The DNO Substation control room building would be 13m in length, 5m in width and 3.95m in height. The apparatus at the 132kV substation would be enclosed by palisade fencing between 1.8m and 2.4m in height, with the apparatus measuring between 3.43 and 5.54m.
- At the east end would be a 1275sqm attenuation pond

A security system using infra red sensors on 1200mm posts would be within the perimeter fencing and would not involve artificial light, noise or CCTV.

A landscaping strategy includes the planting of trees, hedges and wildflower mix, the creation of additional scrubland, and ecological improvements to the pond. The Energy Storage System (ESS) would be painted to reduce its effect on its surroundings, with the equipment being predominantly painted dark green.

Permission is sought for 40 years, after which all the equipment would be removed from the site and the ground made good.

Mr Mike Ovenden presented the report.

Mr David Woods was present at the meeting and addressed the committee objecting to the application.

Ms Sarah Hitchcox, from Anesco attended the meeting on behalf of the Applicant, and spoke supporting the application.

The Chair and Ward Councillor, Cllr Cloke, also spoke in favour of the application.

Following debate a motion was **MOVED** by Cllr Barber and **SECONDED** by Cllr Bridge to **APPROVE** the application.

A vote was taken and Members voted as follows:

FOR: Cllrs Barber, Dr Barrett, Bridge, Cloke, Gelderbloem, Heard, Laplain, Tanner and Wiles (9)

AGAINST: (0)

ABSTAIN: Cllrs Cuthbert and Mynott (2)

Members **APPROVED** the application subject to the following conditions:

Planning conditions for permission

1 Standard time limit for commencement

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 In accordance with approved documents

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 Temporary period – 40 years – and removal

No later than 40 years from the date of this permission, all buildings, hardstandings, access tracks, walls/fences/gates, containers, chattels, plant and related equipment on the site shall be permanently removed, together with all waste materials resulting from such removal, from the site and the land returned to grassland. Furthermore, if the use as described in the application permanently cease before that time then the site clearance and

restoration shall occur within 28 days of that cessation occurring, or other period as may be previously agreed in writing by the local planning authority.

Reason: The applicant requested a 40 years permission and this permission is only granted on the basis that the benefits of the proposal represent very special circumstances and if they cease to exist the justification to the harm to the greenbelt would be removed. To remove that harm the development shall be removed.

4 Construction Management Plan

No development shall take place, including any ground works or demolition, until a Construction Management Plan 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. Suitable construction vehicle routes for all construction vehicles, to be agreed with the Highway Authority.
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel and underbody washing facilities

Reason: To ensure that the construction traffic is managed and to ensure that onstreet parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

5 Landscaping scheme

No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the precise route of the 'access route' and any trees/hedges required to be removed to create it, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. 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 to be 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.

6 SUDS condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development.

This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods

found in chapter 25.3 of The CIRIA SuDS Manual C753.

- If infiltration is not viable then the drainage scheme should be shown to be limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

7 SUDS condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 166 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

8 SUDS condition 3

Prior to first use of the development hereby permitted a detailed maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. It should additionally shown that there is a regular and strict maintenance plan in place for the outfall to reduce the risk of blockage.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

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.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

9 SUDS condition 4

The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

10 Protected species

The development shall be carried out as follows:

- Any trenches or deep pits that are to be left open overnight should be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood in the trench as a ramp to the surface.
- The storage of topsoil or other 'soft' building materials within the site should be given careful consideration. Badgers will readily adopt such mounds as setts, which would then be afforded the same protection as established setts. So as to avoid the adoption of any mounds, they should be subject to daily inspections before work commences.
- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- Open pipework with a diameter of more than 120mm should be properly covered at the end of the work day to prevent badgers entering and becoming trapped.

Reason: In the interests of safeguarding protected species

11 Security provisions

Prior to the first use of the development, full details of the security systems and physical measures to protect the equipment from damage and discourage unauthorised entry (for example CCTV, fencing and other safety or monitoring systems) shall be submitted to and approved in writing by the local planning authority and implemented.

Reason: To protect the electrical infrastructure from damage in the interests of safety of users of the country park and to ensure that measures are appropriate to the green belt and rural character of the site.

90. Planning Appeals Update (February - July 2021)

This report advised Planning and Licensing Committee of decisions that have been received in respect of planning appeals. Updates are provided to the committee regularly. This report provides a summary of the main issues and

comments made by inspectors, which can be useful when making decisions on current and future planning applications. This is taken since February 2021, following the most recent update given to committee in February 2021 (Item 683, Planning and Licensing Committee, Planning Appeals Update November 2020 - January 2021).

Members requested that the planning fees awarded against the Council could be reported to this Committee.

Members noted the report.

91. Urgent Business

There were no items of urgent business.

The meeting concluded at 21.25
