

Minutes

Planning and Licensing Committee Tuesday, 23rd June, 2015

Attendance

Cllr McCheyne (Chair)	Cllr Morrissey
Cllr Trump (Vice-Chair)	Cllr Mynott
Cllr Barrell	Cllr Newberry
Cllr Carter	Cllr Reed
Cllr Cloke	Cllr Tee
Cllr Keeble	Cllr Wiles

Apologies

Substitute Present

Also Present

Cllr Mrs Cohen	
Cllr Hossack	
Cllr Mrs McKinlay	
Cllr Poppy	
Cllr Ms Rowlands	
Cllr Ms Sanders	
Cllr Foan	West Horndon Parish Council

Officers Present

Gordon Glenday	Head of Planning and Development
Claire Hayden	Governance and Member Support Officer
Chris Potter	Monitoring Office and Head of Support Services
Gary O'Shea	Principle Licensing Officer
Sukhvinder Dhadwar	Planning Officer
Charlotte White	Senior Planning Officer
Caroline McCaffrey	Development Management Team Leader
Paulette McAllister	Design and Conservation Officer
Brendan Johnston	Highways Representative
Jonathan Binks	Planning Assistant
Kathryn Mathews	Senior Planning Officer
David Carter	Environmental Health Manager

46. Apologies for Absence

There were no apologies for absence were received.

47. Minutes of the previous meeting

The minutes of the Licensing Committee held on 13th January 2015 and the minutes of the Planning and Development Control Committee held on Tuesday 14th April 2015 were agreed and signed by the Chair as a correct record.

48. Establishment of Licensing Sub-Committee

Following the establishment of a single Planning and Licensing Committee by Annual Council on 20 May 2015, this report prudently highlights the two broad distinct functions which the Committee now exercises, namely as the local planning authority and as the licensing authority.

The former Licensing Committee for the better discharge of its Licensing Act 2003 functions and the Gambling Act 2005 functions operated through a sub-committee.

The report recommends that this newly established Committee continues this practice and uses its powers to establish a licensing sub-committee for this municipal year and forthcoming municipal years to undertake its licensing functions under the Licensing Act 2003 and the Gambling Act 2005.

A motion was MOVED by Cllr McCheyne and SECONDED by Cllr Trump to agree the recommendations set out in the report.

RESOLVED UNANIMOUSLY to:-

- 1. That one Licensing Sub-Committee be appointed under section 102(1)(c) of the Local Government Act 1972, be established under section 9(1) of the Licensing Act 2003 and under all other powers for this municipal year 2015/2016 and forthcoming municipal years, with the terms of reference as set out in the Council's Constitution, and be comprised of three councillors drawn solely from the permanent membership of the Committee.**
- 2. That the Committee reviews its Licensing Sub-Committee arrangements each municipal year.**

REASON FOR DECISION

The recommendation facilitates the effective conduct of Council business and better focuses limited Council resources to undertake an increasingly complicated function.

49. Planning Application and Matters

The Chair reminded those present of the procedures to be followed in order to allow the public, etc to speak at the meeting, where requisite notice has 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.

50. 10 CARPENTERS PATH HUTTON ESSEX CM13 1LJ

CHANGE OF USE FROM A RESIDENTIAL PROPERTY TO A RESIDENTIAL CHILDREN'S HOME (USE CLASS C2).

APPLICATION NO: 15/00125/FUL

Miss Bushby, was present and addressed the committee in objection to the application.

Mrs Brian from Carpenters Path Residents Association was present and addressed the committee in objection to the application.

Miss Kaleda, was present and addressed the committee in support of the application.

Mr Driscoll, the Agent was also present and addressed the committee in support of the application.

Ward Members raised concerns over the 209 letters of objections received against this application relating to problems with anti-social behaviour, the increase in the number of vehicles, and the impact on the vulnerable and elderly residents living within this area.

Cllr Carter expressed his concern on the previous Children's home within his ward and the issues relating to it.

A motion was **MOVED** by Cllr Trump and **SECONDED** by Cllr Barrell that the application be refused.

For: Cllrs Barrell, Carter, Cloke, Keeble, McCheyne, Morrissey, Mynott, Newberry, Reed, Tee, Trump and Wiles. (12)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY that the planning permission is refused for the following reason.

R1 U09735

The proposed use will result in a significant increase in the levels of activity in and around the dwelling and create the likelihood of unneighbourly behaviour including comings and goings late into the evening. The use will therefore materially detract from the character of the area and the living conditions of neighbouring dwellings and as such is contrary to the requirements of chapter 7 and paragraph 69 of the NPPF and policy CP 1 sub criterion (ii) of the Brentwood Replacement Plan 2005.

(Cllr Morrissey declared a non pecuniary interest under the Councils Code of Conduct by virtue of her employed at a local Estate Agents)

51. 1 YORK CLOSE SHENFIELD ESSEX CM15 8JZ

VARIATION OF CONDITION 2 (HOURS OF OPERATION) OF PLANNING APPLICATION 10/00720/FUL (CHANGE OF USE FROM CLASS B2 (GENERAL INDUSTRIAL) TO SUI GENERIS (CAR VALETING) TO CHANGE HOURS OF OPERATION TO 08:00 - 18:00 MONDAY TO FRIDAY, 08:00 - 18:00 ON SATURDAYS AND 10:00 - 15:00 ON SUNDAYS.

APPLICATION NO: 15/00046/FUL

Mr Graham, was present and addressed the committee in objection to the application.

Mr Coote, from the York Close Residents Association was present and address the committee in objection to the application.

Mrs Dader, the Applicant, was also present and addressed the committee in support of the application.

The Officer informed the committee that an enforcement complaint had been received in relation to equipment being used outside the application site.

Ward Members raised concerns relating to the increasing noise generated by the pressure washing equipment at the site and the increased use of this machinery outside of site boundary and the amplified volume of traffic in the small residents cul-de-sac.

A motion was **MOVED** by Cllr Barrell and **SECONDED** by Cllr Wiles that the application be refused.

For: Cllrs Barrell, Carter, Cloke, Keeble, McCheyne, Morrissey, Mynott, Newberry, Reed, Tee, Trump and Wiles. (12)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY that the planning permission is refused for the following reason.

That the adverse impacts of this demonstrably outweigh the benefits, due to the increasing noise and disturbance to the residents.

52. 6 OXFORD COURT WARLEY ESSEX CM14 5EU

TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT EXTENSION, SINGLE STOREY REAR EXTENSION LINKING WITH DETACHED OUTBUILDING TO INCLUDE ROOF LIGHTS.

APPLICATION NO: 15/00109/FUL

Miss Barg, was present and addressed the committee in objection to the application.

Miss Anderson, the Applicant's Representative, was also present and addressed the committee in support of the application.

Ward Members spoke in objection to the application expressing their concerns on the bulk and mass of the proposed extension. The overbearing feature for the residents of Willowdene Court.

A motion was **MOVED** by Cllr Tee and **SECONDED** by Cllr Cloke that the application be refused.

For: Cllrs Barrell, Carter, Cloke, Keeble, McCheyne, Morrissey, Mynott, Newberry, Reed, Tee, Trump and Wiles. (12)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY that the planning permission is refused for the following reasons.

The proposed extension would be overbearing to residents in the neighbouring area by the scale, mass and bulk of the application.

**53. LAND AT HAVERING GROVE FARM 552A RAYLEIGH ROAD HUTTON
ESSEX CM13 1SG**

**INSTALLATION AND OPERATION OF A SOLAR FARM AND
ASSOCIATED INFRASTRUCTURE, INCLUDING PV PANELS, MOUNTING
FRAMES, INVERTER, TRANSFORMER, POLE MOUNTED CCTV
CAMERAS, SUBSTATIONS, COMPOSTING TOILET AND FENCE.**

APPLICATION NO: 15/00161/FUL

Members were advised that the Chair disclosed a personal interest and therefore step down from his role on this application. Cllr Trump became the chair for the duration of this item.

Cllr Trump requested nominations for a Vice Chair for this item only. A motion was MOVED by Cllr Reed and SECONDED by Cllr Wiles that Cllr Cloke be nominated as Vice Chair for this item only. A vote was taken on a show of hands and Cllr Cloke was appointed Vice Chair for the duration of this item.

Mrs McEwan, was present and addressed the committee in objection of the application.

Miss Laurenson, the agent, was also present and addressed the committee in support of the application.

Concerns were expressed by Ward Members and thanked the officers for a very detailed report.

Members recognised that the Borough needs to make contribution in the future towards renewable energy. Officers confirmed that this issue will be included in a report relating to the Local Development Plan to present at a later meeting of the Planning and Licensing Committee.

After a full debate, a motion was MOVED Cllr Cloke and SECONDED by Cllr Barrell that the application be refused.

For: Cllrs Barrell, Cloke, Keeble, Newberry, Reed, Trump and Wiles
(7)

Against: Cllrs Carter, Morrissey and Mynott (3)

Abstain: Cllr Tee (1)

RESOLVED that the planning permission is refused for the following reasons:

R1 U09973

The proposed solar farm constitutes inappropriate development within the Green Belt and would significantly and demonstrably decrease the openness of this part of the Green Belt and would conflict with the purposes of including land in the Green Belt contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U09974

It has not been demonstrated that any previously developed land is available for the development within the wider area; outside the Borough of Brentwood and beyond 10km from the application site and it has not been demonstrated that there is no suitable sites of a lower agricultural quality within the Borough of Brentwood, or the surrounding area that would be more suitable for a solar farm, contrary to the National Planning Policy Framework, particularly Paragraph 112, the Written Ministerial Statement of the 25th March 2015 and Policy IR3 of the Brentwood Replacement Local Plan 2005.

R3 U09976

The benefits of the proposal in terms of environmental and biodiversity benefits would not clearly outweigh the harm by reason of inappropriateness and the other harm identified, to constitute the very special circumstances required to justify this development, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policy GB1 of the Brentwood Replacement Local Plan 2005.

**54. HONEYSUCKLE LODGE BLACKMORE ROAD KELVEDON HATCH
ESSEX CM15 0BJ**

**SINGLE STOREY SIDE AND REAR EXTENSION AND CONSTRUCTION
OF DETACHED OUTBUILDING (RETROSPECTIVE).**

APPLICATION NO: 15/00354/FUL

This item has been deferred until the applicant and officers to enter into further dialogue to address concerns raised and a revised application for the garden building will be submitted at a later date.

55. 114 ORCHARD AVENUE BRENTWOOD ESSEX CM13 2DP

CHANGE OF USE FROM MOTOR SPARES SHOP (RETAIL) TO CAFE (FOOD OUTLET).

APPLICATION NO: 15/00145/FUL

Miss White, the applicant was present and addressed the committee in support of the application.

Ward Members spoke in support of the application and are aware of residents support also on this application.

A motion was **MOVED** by Cllr Morrissey and **SECONDED** by Cllr McCheyne to approve the application.

For: Cllrs Barrell, Carter, Cloke, Keeble, McCheyne, Morrissey, Mynott, Newberry, Reed, Tee, Trump and Wiles. (12)

Against: (0)

Abstain: (0)

RESOLVED UNANIMOUSLY that the 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 U10085

The premises shall not be open for customers outside the following hours: 07:00-16:00 Mondays to Fridays, 08:00-14:00 Saturdays and Sundays, and shall not be open at any time on public holidays.

Reason: To safeguard the living conditions of nearby residents.

3 U10086

The extraction system proposed shall be installed and fully operational, prior to the commencement of the use hereby permitted.

Reason: In the interests of the amenity of the local residents.

4 U10087

No cooking/heating equipment shall be used on the premises other than a grill and hot plate griddle at any time.

Reason: To protect the amenities of the occupiers of local residents.

5 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.

(Cllr Barrell declared a non pecuniary interest under the Councils Code of Conduct by virtue of knowing a local retailer in close proximity to the site.)

**56. BRENTWOOD CARWASH CENTRE BRENTWOOD CENTRE
DODDINGHURST ROAD PILGRIMS HATCH ESSEX CM15 9NN**

**RELOCATION OF AN EXISTING PORTAKABIN IN ASSOCIATION WITH
THE USE OF PART OF THE SITE AS A HAND CARWASH FACILITY**

APPLICATION NO: 15/00466/FUL

This item has been deferred until Officers have undertaken an assessment of the portacabin in the context of the wider green belt and also to review displacement of car parking spaces.

**57. LAND FORMERLY KNOWN AS NV TOOLS ST JAMES ROAD
BRENTWOOD ESSEX**

**REDEVELOPMENT FOR 45 FLATS, LANDSCAPED AMENITY DECK, AND
ASSOCIATED CAR PARKING.**

APPLICATION NO: 15/00142/FUL

Mrs Ngo, was present and addressed the committee in objection to the application.

Ms Dooley, the Agent was also present and addressed the committee in support of the application.

Ward Members spoke in objection to the application, expressing concerns that parking provision was too low and that the proposed development will increase problems with congestion, emergency vehicles access and the bulk and sizes of the structure.

Concerns from by Cllr Barrell were addressed on the proposed redevelopment of the public realm proposals around Brentwood Station Area.

After discussion a motion was MOVED by Cllr McCheyne and SECONDED by Cllr Trump to approve the application subject the conditions.

For: Cllrs Barrell, McCheyne, Reed, Trump and Wiles (5)

Against: Cllrs Carter, Keeble, Morrissey, Mynott, Newberry and Tee (6)

Abstain: Cllr Cloke (1)

The motion was **LOST**.

A motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Carter that planning permission be refused.

For: Cllrs Carter, Keeble, Morrissey, Mynott, Newberry and Tee (6)

Against: Cllrs Barrell, McCheyne, Reed, Trump and Wiles (5)

Abstain: Cllr Cloke (1)

The motion was **CARRIED**.

RESOLVED to refuse planning permission for the following reasons:

The excessive density in relation to policy H14.
CP1 relating to the overshadowing of neighbours.

58. Urgent Business

There were no items of urgent business.

The meeting finished at 23:10