

# Minutes

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## Planning and Licensing Committee Tuesday, 25th April, 2017

### Attendance

|                               |                 |
|-------------------------------|-----------------|
| Cllr Roger McCheyne (Chair)   | Cllr Morrissey  |
| Cllr Ms Rowlands (Vice-Chair) | Cllr Mrs Murphy |
| Cllr Bridge                   | Cllr Mynott     |
| Cllr Faragher                 | Cllr Newberry   |
| Cllr Mrs Hubbard              | Cllr Ms Sanders |
| Cllr Keeble                   |                 |
| Cllr Mrs Middlehurst          |                 |

### Apologies

### Substitute Present

### Also Present

|               |                             |
|---------------|-----------------------------|
| Cllr McCheyne |                             |
| Cllr Russell  |                             |
| Cllr Chilvers |                             |
| Cllr Foan     | West Horndon Parish Council |
| Cllr Parker   |                             |
| Cllr Poppy    |                             |
| Cllr Potter   | Doddinghurst Parish Council |

### Officers Present

|                     |   |                                       |
|---------------------|---|---------------------------------------|
| Philip Drane        | - | Planning Policy Team Leader           |
| Claire Mayhew       | - | Governance and Member Support Officer |
| Nick Howard         | - | Senior Planner                        |
| Paulette McAllister | - | Design & Conservation Officer         |
| Sonia Sharp         | - | Planning Solicitor                    |

### 348. Apologies for Absence

No apologies were received.

**349. Minutes of the Previous Meeting**

The minutes of the Planning and Licensing Committee held on 21 March 2017 were approved and signed as a true record.

**350. Minutes of the Licensing Appeals Sub Committee**

The minutes of the Licensing Sub-Committee held on 13 April 2017 were approved and signed as a true record.

**351. Essex Police & La Plata House Ref 16/01805/OUT**

Mr Mikolajczyk was present and addressed the committee as an objector to the application.

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

Cllr Russell was present as a Ward Member and expressed concerns relating to the size of the proposed development and increase in traffic onto London Road. Local residents have requested that no access either by pedestrian/cycle or vehicles be permitted into Westbury Drive.

Cllr Chilvers, as also present as a Ward Member expressed concerns relating to over development for the area and the increase in traffic movement.

Cllr Newberry, a committee member and Ward Member, agreed with the comments made by his fellow ward members. He indicated a wish for the historical features of La Plata House be retained during the development. He expressed concerns relating to the height of the proposed development, and overbearing to the neighbours in Westbury Drive.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Newberry to **REFUSE** the application on the grounds of breaching Replacement Local Plan policy CP1 paragraphs one and two.

A vote was taken by a show of hands:

**FOR:** Cllrs Mynott, Newberry, Morrissey, Hubbard, Keeble (5)

**AGAINST:** Cllrs Faragher, Ms Sanders, Mrs Murphy, Mrs Middlehurst, Bridge, Ms Rowlands, McCheyne (7)

**ABSTAIN:** (0)

The motion was **LOST**.

A motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Faragher to **APPROVE** the outline application, subject to the conditions within the report.

A vote was taken by a show of hands:

**FOR:** Cllrs Faragher, Ms Sanders, Mrs Murphy, Mrs Middlehurst, Bridge, Ms Rowlands, McCheyne (7)

**AGAINST:** Cllrs Mynott, Newberry, Morrissey, Hubbard, Keeble (5)

**ABSTAIN:** (0)

**RESOLVED** that application is **APPROVED** subject to a S106 agreement and the following conditions:-

1. Approval of the details of the scale, layout and appearance of the buildings, the means of access and the landscaping of the site that are reserved for later approval (hereinafter called the reserved matters) shall be obtained in writing from the Local Planning Authority before the development is commenced and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from date of approval of the last reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. 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.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;
- ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing if no Registered Social landlord involved;
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure affordable housing in compliance with Policy H9 of the Brentwood Replacement Local Plan.

6. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of measures to enhance and if necessary, protect the habitat of the site for badgers, and the development shall then be carried out in accordance with those approved details.

Reason: To protect any badgers during the construction phase of development.

7. Development shall not commence until a drainage strategy detailing any on and/off site drainage works, has been submitted to and approved by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the approved strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

8. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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:

- 9.
- i) The parking of vehicles of site operatives and visitors;
  - ii) Loading and unloading of plant and materials;
  - iii) Storage of plant and materials used in constructing the development;
  - iv) Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought onto the highway in the interests of highway safety.

10. Prior to first occupation, existing vehicle accesses onto Westbury Drive shall be suitably and permanently closed with only pedestrian /cycle access to remain.

Reason: to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interest of highway safety.

11. The proposed development shall not be occupied until such time as the vehicle parking area, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the local planning authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.

12. Each vehicular parking space shall have dimensions of 2.9 metres x 5.5 metres.

Reason: To prevent on-street parking, in the interests of highway safety.

13. Prior to the first occupation of the development, cycle parking shall be provided, details of which should be submitted to and approved by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

14. Prior to first occupation, the existing bus stops on both sides of the A1023 London Road to the east of the site shall be improved to provide raised and dropped kerbs to facilitate pedestrian and wheelchair access. A Real Time Passenger Information facility shall be provided at the westbound carriageway bus stop.

Reason: To encourage trips by public transport in the interest of accessibility.

15. Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision of a Residential Travel Information Pack for sustainable transport for each dwelling and to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

16. Prior to commencement of development, a levels plan showing existing ground levels and proposed levels shall be submitted to and approved by the Local planning Authority. The approved levels plan shall be implemented in full.

Reason: In order to assess the development against the neighbouring residential properties, in accordance with Policy CP1 of the Brentwood Replacement Local Plan.

17. All existing trees, shrubs and hedgerows on the site indicated for retention on the approved drawings shall be retained and shall not be felled, lopped or topped without the prior written consent of the local planning authority. If prior to the commencement of the development or within five years of the completion of the development, any such trees, shrubs or hedges are removed without such consent, or become severely damaged or diseased, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority. The replacement shall be carried out within the first planting season after the Council's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be approved in writing with the local planning authority prior to the carrying out of those works.

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

18. All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

19. Before development commences a full Level 2 recording, as identified in a Guide to Good Recording Practice (English Heritage 2006), of the air raid

shelter shall be carried out and submitted to and approved by the Local Planning Authority.

Reason: In order to record the historic character of the air raid shelter.

*(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for an on-line Estate Agent.*

*Cllr Newberry declared a non-pecuniary interest under the Council's Code of Conduct by virtue as a retired Police Officer and once living in La Plata Grove.*

*Cllr Chilvers declared a non-pecuniary interest under the Council's Code of Conduct by virtue that her client is an Estate Agent).*

### **352. Land Adjacent To Landings Ref 17/00167/FUL**

Mr Rothery was present and addressed the committee as an objector to the application.

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

Cllr Potter, Doddinghurst Parish Council was present and spoke in objection to the application.

After a full discussion, a motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Bridge to **REFUSE** the application due to proposed impact on the neighbouring listed building.

A vote was taken by a show of hands:

**FOR:** Cllrs Faragher, Ms Sanders, Mrs Murphy, Mrs Middlehurst, Bridge, Mynott, Newberry, Morrissey, Mrs Hubbard, Keeble, McCheyne and Rowlands (12)

**AGAINST:** (0)

**ABSTAIN:** (0)

**RESOLVED UNANIMOUSLY** that application is **REFUSED** for the following reasons, subject to the amendment of condition 3.

1. The proposal would be inappropriate development in the Green Belt that would materially detract from openness and would represent an encroachment of development into the countryside. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special

circumstances to justify inappropriate development in the Green Belt do not exist.

The proposed development, by reason its massing, design and close proximity to the listed building and its curtilage structures, would be harmful to the heritage asset and setting of the adjacent Grade ii listed building 'Barfield Farmhouse'. The proposed harm to the setting of the Listed Building outweighs the public benefit that would be derived from the scheme. The proposal is therefore contrary to Policy C16 of the Brentwood Replacement Local Plan and the provisions of the Framework.

3. The proposal does not provide any provision for affordable housing as part of the proposed scheme. The lack of affordable housing does not contribute to the significant need for affordable housing in the Borough and is therefore contrary to Policy H9 of the Brentwood Replacement Local Plan and the provisions of the Framework.

#### Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, C16 and T2; the National Planning Policy Framework 2012 and NPPG 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

*(Cllr Morrissey declared a non-pecuniary interest under the Council's Code of Conduct by virtue of her working for an on-line Estate Agent).*

#### **353. Bentley Stables Ref 17/00198/FUL**

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

Cllr Poppy & Cllr Parker, Ward Members were present and addressed the committee in support of the application subject to condition on the removal of permitted development rights for the property.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Rowlands to **APPROVE** the application, subject to a condition of the removal of permitted development rights.



A vote was taken by a show of hands:

**FOR:** Cllrs Ms Sanders, Ms Rowlands and McCheyne (3)

**AGAINST:** Cllrs Faragher, Mrs Middlehurst, Bridge, Mynott, Newberry, Morrissey, Mrs Hubbard and Keeble (8)

**ABSTAIN:** Cllr Mrs Murphy (1)

The motion was **LOST**.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Bridge to **REFUSE** the application.

A vote was taken by a show of hands:

**FOR:** Cllrs Faragher, Mrs Middlehurst, Bridge, Mynott, Newberry, Morrissey, Mrs Hubbard and Keeble (8)

**AGAINST:** Cllrs Ms Sanders, Ms Rowlands and McCheyne (3)

**ABSTAIN:** Cllr Mrs Murphy (1)

**RESOLVED** that application is **REFUSED** for the following reasons:

1. The site is situated within the Metropolitan Green Belt and the replacement of the existing mobile home with a permanent dwelling is inappropriate development and therefore harmful to the Green Belt. The proposal therefore does not accord with Policies GB1, GB2 and GB6 of the Brentwood Replacement Local Plan and the National Planning Policy Framework.

2. Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

Informative(s)

1. The following development plan policies contained in Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2 & GB6; the National Planning Policy Framework 2012 and NPPG 2014.

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

### 354. Development Management Performance 2016-17

The report presented an update on the performance of the Development Management Team, including enforcement, in the last financial year. It provided a summary of performance over a range of measures. It showed that against a range of metrics the team's performance had improved in comparison to previous years.

Changes to processes established within the department over the last 12 months had made a considerable impact on the delivery of swifter and more consistent responses and decision making. The overall outcome is that developers and those wishing to extend their homes had certainty about what would be allowed where and when. In turn, this provided support to the local economy, boosts housebuilding while continuing to give local communities and residents a say in their neighbourhood.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Rowlands to approve the recommendation in the report.

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

1. That the Improvement in performance achieved is noted.

#### **Reason for recommendation**

To keep the committee informed about the improving performance of the Development Management Team for the last year and the plans for continued performance improvement next year.

### 355. Local Land Charges Fees update

The report set out a change to the Local Land Charge fees and charges, following notification of a change in fee for the Essex Highways element on a CON29 Local Land Charges search.

A motion was **MOVED** by Cllr McCheyne and **SECONDED** by Cllr Rowlands to approve the recommendation in the report.

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

1. To agree the change increase in fee introduced by Essex highways relating to the Highway element on a CON29 Local Land Charge search from 1 May 2017.

#### **Reason for recommendation**

The change in fee is to take account for the proposed change of fee charged by Essex Highways to Brentwood Borough Council for this service.

**356. Urgent Business**

There was no urgent business to discuss.

The meeting ended at 21:20.