

Minutes

Planning and Licensing Committee Tuesday, 17th July, 2018

Attendance

Cllr Ms Sanders (Chair)	Cllr Nolan
Cllr McCheyne (Vice-Chair)	Cllr Mrs Pound
Cllr Chilvers	Cllr Reed
Cllr Keeble	Cllr Mrs Slade
Cllr Morrissey	Cllr Trump
Cllr Mynott	

Apologies

Cllr Haigh

Substitute Present

Cllr Mrs Fulcher

Also Present

Cllr Aspinell
Cllr Barrett
Cllr Bridge
Cllr Cloke
Cllr Mrs Davies
Cllr Mrs Hones
Cllr Kendall
Cllr McLaren
Cllr Russell
Cllr Wiles

Officers Present

Surinder Atkar	-	Planning Solicitor
Zoe Borman	-	Governance and Member Support Officer
David Carter	-	Environmental Health Manager
Philip Drane	-	Director of Strategic Planning
Nick Howard	-	Development Management Team Leader
Brendan Johnston	-	Highways Representative
Caroline McCaffrey	-	Development Management Team Leader
Tessa Outram	-	Planning Officer

Jean Sharp - Governance and Member Support Officer
Lorne Spicer - Business Development and PR Manager

89. Apologies for Absence

Apologies were received from Cllr Haigh. Cllr Mrs Fulcher substituted for him.

90. Minutes of the Previous Meeting

It was **RESOLVED UNANIMOUSLY** that the minutes of the Planning and Licensing Committee held on 12 June 2018 be **APPROVED** as a true record.

91. Minutes of the Licensing Appeals Sub Committee

It was **RESOLVED UNANIMOUSLY** that the minutes of the Licensing Sub-committee held on 5 July 2018 be **APPROVED** as a true record.

92. Planning Code of Good Practice

The report on Planning Code of Good Practice was deferred to a future meeting.

93. Variation in the order of the agenda

The Chair proposed and the Committee agreed that, due to the large number of people in attendance, Item 6 – the application relating to Hulletts Farm, Pilgrims Hatch – be considered as the next item of business followed by Item 8 – the application relating to 59 Crown Street, Brentwood.

94. Application Number: 18/00843/OUT Hulletts Farm, Hulletts Lane, Pilgrims Hatch, Brentwood, Essex CM15 9RX

The application was presented to the Committee as it was a major application in the Green Belt and was of strategic importance to the Borough.

The proposal was in outline, with all matters reserved for 71 dwellings on land off Hulletts Lane, Pilgrims Hatch. The applicant had submitted an illustrative layout which showed a housing mix of 48 three-bedroom dwellings, 18 four-bedroom dwellings and 5 five-bedroom dwellings. The proposal included 46 market housing with 25 affordable dwellings (35% of the total). The illustrative plan showed a proposed access onto Ongar Road, although access was a reserved matter for later consideration.

The site comprised 3.3 hectares on an irregular site. The site area could be divided into three main elements. The first element and largest was a field to the rear of properties fronting onto Orchard Lane and at the end of two cul-de-sacs Ash Close and Vale Close. The field had a number of boundary trees

running along the northern and southern boundaries. A post and rail fence formed the eastern boundary and the western boundary was open and was joined to the second element.

The second element was another field forming the northern part of the site, which was located mainly to the rear of properties fronting onto Hulletts Lane and wrapped around the properties Fiesta and Cedars.

The third element was a triangular area of land that was between Ongar Road and Hulletts and included an area of land to the south of Hulletts Farm. This area included an overgrown enclosure, an open paddock and a group of farm buildings.

Mr Palmer on behalf of the Orchard Lane Residents Association was present and spoke in objection to the application.

Mr McGarr – the agent – was also present and spoke in support of the application.

Ward Members Cllr Mrs Davies, Cllr Kendall and Cllr Aspinell all spoke in objection to the application.

Cllr McCheyne **MOVED** and Cllr Trump **SECONDED** that the application be **REFUSED**.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Mrs Fulcher, Keeble, McCheyne, Morrissey, Mynott, Nolan, Mrs Pound, Reed, Ms Sanders, Mrs Slade and Trump (12)

AGAINST: (0)

ABSTAIN: (0)

The Motion was **CARRIED UNANIMOUSLY** to **REFUSE** the application for the following reasons:

1. The proposal would be inappropriate development in the Green Belt would materially detract from openness, would represent an encroachment of development into the countryside and it would result in sprawl of a large built up. 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 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.

3. The proposed development would represent a high level of harm to the setting of the adjacent Grade II listed buildings, Hulletts Farmhouse and Gents Farmhouse, by reason of the proposal's urban sprawl in an open countryside setting where the interplay of landscape with the listed buildings are intrinsic to their setting. Furthermore, the proposal does not provide any assessment of the impact the proposal would have upon the significance of the Heritage Assets. The proposed development would lead to substantial harm to the significance of the designated heritage assets as set out in paragraph 133 of the National Planning Policy Framework, the substantial harm would not be outweighed by the public benefits of the scheme. The proposal is therefore in conflict with the Brentwood Replacement Local Development Plan Policy C16, and the aims and objectives of the NPPF and guidance set out in the NPPG.

4. The proposed housing density is significantly below that of the requirement set out in Policy H14 of the Brentwood Local Plan and is at odds with the prevailing pattern of built development in the surrounding area which is considered harmful to the character and appearance of the area. The proposal is therefore contrary to Policy H14 and the provisions of the Framework.

5. The proposed development does not provide any small dwellings, i.e. one or two-bedroom properties, which will provide a harmful imbalance in the population structure of the future residents. Furthermore, the proposal, by not providing a range of units, would not fully meet the type of housing needs required in the Council's objectively assessed needs. The proposal is therefore contrary to Policy H6 and the provision of the Framework.

6. The proposal development from the submitted layout plans does not show a level of usable open space or provision for a LEAP/LAP which would adequately serve the future residents of the development. The proposed lack of public open space would be harmful to the well-being of the future residents and would be contrary to Appendix Policy 5 of the Brentwood Replacement Local Plan and the provisions of the Framework.

7. The proposal would be detrimental to highway safety and pedestrian convenience due to the lack of an acceptable transport assessment and the potential significant increase in level of vehicle usage along Hulletts Lane, which is a registered byway (path no 164, Brentwood Parish) and is not suitable for such an increase in usage. The proposal is therefore contrary to Policy T2 of the Brentwood Replacement Local Plan and the provisions of the Framework.

8. The proposal would be harmful to the ecology and the habitat of the site and surrounding area due to the lack of appropriate ecological surveys to inform mitigation. The proposal is therefore contrary to Policy C5 of the Brentwood Replacement Local Plan and the provisions of the Framework.

9. The applicant has not demonstrated that the proposal can adequately drain the site due to the lack of a surface water drainage strategy and plan layout

and flood risk assessment (as site is bigger than 1 Hectare). The proposal is therefore contrary to the provisions of the Framework.

10. The applicant has not demonstrated adequately that the site is free of contamination by hazardous substances due to the lack of contamination report, given the previous use of the building(s). The proposal is therefore contrary to Policy PC1 of the Brentwood Replacement Local Plan and the provisions of the Framework.

(Cllr Aspinell declared a non-pecuniary interest in accordance with the Council's Code of Conduct by virtue of regularly walking his dogs in Hulletts Lane (a by-way owned by Essex County Council)).

95. Application Number: 8/00309/FUL 59 Crown Street, Brentwood, Essex CM14 4BD

This application was referred at officers' discretion and related to the demolition of the existing dwelling on the corner of Crown Street and Primrose Hill and the erection of a new building providing ten dwellings (7 flats and 3 duplexes), with 10 basement car parking spaces. The existing Chapel building to the west would be retained and converted to form two flats – one on each floor. Amenity space would be provided through a combination of communal space and balconies.

Mrs Daly was present and addressed the Committee in objection to the application.

Mr Perry – the developer – was also present and spoke in support of the application.

Ward Member Cllr Barrett spoke in objection to the application.

There was some discussion regarding a petition in support of the application which the developer had decided not to submit to Planning Officers but which had been received by a Committee Member. The Chair advised that, in the circumstances, the petition should be disregarded by the Committee. The Developer did not object to this and accepted the position.

Cllr Trump **MOVED** and Cllr McCheyne **SECONDED** that the application should be **APPROVED**.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs McCheyne, Nolan, Mrs Pound, Reed, Ms Sanders, Mrs Slade and Trump (7)

AGAINST: Cllrs Chilvers, Mrs Fulcher, Keeble, Morrissey and Mynott, (5)

ABSTAIN: (0)

The **MOTION** was **CARRIED** to **APPROVE** the application subject to the following conditions:

1 TIM01 - 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 - 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 Archaeological recording

No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

(A professional team of archaeologists should undertake the archaeological work. The Borough Council should inform the applicant of the archaeological recommendation and its financial implications. A brief outlining the level of investigation will be issued from this office on request and in this instance, there will be a cost implication for the developer).

Reason: To ensure that items/features of potential archaeological importance are recorded.

4 Construction Method Statement

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:

- 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
- v. the erection and maintenance of security hoarding
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

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 out onto the highway in the interests of highway safety and to protect the amenity of neighbours.

5 Vehicular access geometry

Prior to occupation of the development, the proposed vehicular access, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002), shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not exceed 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

6 Redundant part of existing site access to be closed

The redundant part of the existing site access shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

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

7 Preclude vehicular use of pedestrian access

Prior to occupation, a bollard or similar means to preclude any vehicle access shall be provided within the confines of the development at the pedestrian access from Primrose Hill between Plots 5 and 12, as shown in the Proposed Site Plan (Drawing no 372/17/PL1002).

Reason: To ensure pedestrian and wheelchair access is not compromised by parked vehicles, to prevent vehicles from potentially unsafe manoeuvring into / out of this space, and in the interest of highway safety and accessibility.

8 Provision of car parking

The development shall not be occupied until the proposed vehicle parking area has been constructed and marked in bays in accordance with Drawing no 372/17/PL10.01. The vehicle parking area shall be retained in this form at all times. The vehicle parking area 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 interests of highway safety and that appropriate parking is provided.

9 No water discharge to highway

There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

10 Cycle parking

Cycle parking shall be provided in accordance with the adopted parking standards. 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.

11 Travel pack

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling, as approved by Essex County Council (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.

12 Surface water management strategy

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

13 Omission of balcony to unit 8

The development shall not proceed above slab level until a revised drawing has been received omitting the proposed balcony shown on the 'Proposed Primrose Hill Elevation – North drawing number 372/17/PL10.03 (Rev A). The development shall thereafter be carried out in accordance with the revised drawing.

Reason: To avoid direct overlooking of the dwelling opposite.

14 Privacy screen to converted chapel

The converted chapel building shall not be occupied until a privacy screen of position, dimensions and specification that shall previously have been submitted and approved in writing by the local planning authority has been erected. The approved screen shall be thereafter retained.

Reason: To avoid direct overlooking of the adjacent property.

15 Details of materials

The development hereby permitted shall not progress above slab level until details of the following have been submitted to and approved in writing by the local planning authority:

- Fenestration
- Eaves, fascia, trim, canopy
- Balconies
- Doors
- Cills

The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the character and appearance of the building.

16 Sample panel

The development hereby permitted shall not progress above slab level until a sample panel showing bricks and tiles has been erected on site and agreed in writing by the local planning authority

Reason: To protect the character and appearance of the area.

17 Obscure glazing

The windows identified on the approved drawings as being obscure glazed, and the south elevation kitchen windows to units 3 and 7, shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

18 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

19 Potential land contamination

A) Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination and investigation and potentially mitigation measures carried out to protect the health and wellbeing of future occupiers of the dwelling.

96. Application 18/00663/FUL - 37 Nags Head Lane, Brentwood, Essex CM14 5NL

The application had been referred to committee by Cllr McLaren on the grounds that the officer recommendation was inconsistent with previous decisions made on Nags Head Lane.

The proposal was for the raising of the ridge, extend hipped roof to gable and add side dormer with part single part two storey rear extension incorporating Juliette balcony and single storey side extensions (Part retrospective).

Cllr Mrs Slade declared a non-pecuniary interest as she knew the applicant's daughter and left the meeting, taking no part in the discussion or vote.

Mr Whitehead – the agent – was present and addressed the Committee in support of the application.

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

Cllr Mynott **MOVED** and Cllr McCheyne **SECONDED** that the application be **APPROVED**.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Keeble, McCheyne, Mynott, Reed and Ms Sanders (5)

AGAINST: Cllrs Chilvers, Mrs Fulcher, Morrissey, Mrs Pound and Trump (5)

ABSTAIN: Cllr Nolan (1)

The Chair used her Casting Vote and the Motion was **CARRIED** to **APPROVE** the application subject to the condition that the development was to be retained in accordance with the drawings submitted.

NB no Time condition was required as work had already started.

97. Application Number: 18/00272/FUL Ingatestone & Fryerning Tennis Club, 7 High Street, Ingatestone, Essex CM4 9ED

The application had been referred by Ingatestone Parish Council on the grounds that the proposal would be harmful to residential amenity.

The lighting columns and luminaries would be located at the perimeter of courts 1, 2 and 3. The proposed lighting columns were required to facilitate play during the winter months from October to March. The proposed columns were located to ensure light distribution would be adequately even for safety during play.

Mrs Sutton was present and addressed the Committee in objection to the application.

Mr Galvin – the applicant – was also present and addressed the Committee in support of the application.

Ward Members Cllrs Bridge, Cloke and Mrs Hones each addressed the Committee in objection to the application.

Cllr Day, Ingatestone and Fryerning Parish Councillor, addressed the Committee in objection to the application.

Cllr Mynott **MOVED** and Cllr Chilvers **SECONDED** that the application be **REFUSED**.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Mrs Fulcher, Keeble, McCheyne, Morrissey, Mynott, Nolan, Mrs Pound, Reed, Ms Sanders and Trump (11)

AGAINST: (0)

ABSTAIN: Cllr Mrs Slade (1)

The Motion was **CARRIED** to **REFUSE** the application for the following reasons:

The proposal given the number, height and siting of the lighting columns, together with the illumination at a late hour would be harmful to the living conditions of residents on Pine Drive, contrary to Policy CP1 (ii) of the Brentwood Replacement Plan.

(Cllr Bridge declared a non-pecuniary interest under the Council's Code of Conduct by virtue of his children using the tennis club).

98. Application Number 18/00270/OUT - Karma Court, Ashwells Road, Pilgrims Hatch, Essex CM15 9SG

The application had been referred by Councillor Aspinell on the grounds that granting permission for a building on this site would make the area much more attractive than the existing commercial use.

The application was deferred from the previous committee on the 12th June 2018 on the grounds that councillors had not been made aware of the late representations that had been submitted that might hold weight in their assessment and decision of the application. Details were summarised within the report.

Outline permission was being sought for the construction of a new dwelling on the site with all matters reserved. The application was seeking to determine whether the principle of constructing a dwelling on the site was acceptable.

Mr Marven was present and addressed the Committee in support of the application.

Mr Lunnon – the applicant – was also present and addressed the Committee in support of the application.

Ward Member Cllr Aspinell was present and addressed the Committee in support of the application.

Cllr Mynott **MOVED** and Cllr Trump **SECONDED** that the application be **REFUSED**.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Chilvers, Mrs Fulcher, Keeble, McCheyne, Morrissey, Mynott, Nolan, Mrs Pound, Reed, Ms Sanders, Mrs Slade and Trump (12)

AGAINST: (0)

ABSTAIN: (0)

The Motion was **CARRIED UNANIMOUSLY** to **REFUSE** the application.

99. Urgent Business - Response to Castle Point Borough Council Local Plan Public Consultation 2018

The Chair had agreed to accept this item as urgent business since the deadline for responses to the Castle Point Local Plan public consultation 2018 was 15 August 2018, ie before the next Planning and Licensing Committee meeting.

The report before Members sought approval to respond to Castle Point Borough Council's Local Plan public consultation (July 2018).

The proposed response on behalf of Brentwood Borough Council supported steps being taken by Castle Point Borough Council to prepare a Local Plan. The consultation was not supported by a draft document or proposals, rather views were sought on what the content for the Castle Point Local Plan should be. In light of this limited information, it was proposed that clarification be provided through the Castle Point plan-making process about the strategy for meeting Objectively Assessed Needs in Castle Point Borough over the 5-10 year timeframe planned for the housing policies and allocations.

Both Brentwood Borough Council and Castle Point Borough Council were partners in the Association of South Essex Local Authorities (ASELA). Both authorities had approved the ASELA Statement of Common Ground, which included a commitment to joint working through the preparation of a Joint Strategic Plan for the sub-region. The Castle Point Local Plan would be prepared within the context of the South Essex Joint Strategic Plan.

Cllr Ms Sanders **MOVED** and Cllr McCheyne **SECONDED** the recommendation in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

To approve the response to the Castle Point Borough Council Local Plan public consultation (July 2018) as set out in Appendix A to the report.

The meeting ended at 10.15pm