

# Minutes

---

## Planning and Licensing Committee Monday, 26th March, 2018

### Attendance

Cllr Ms Sanders (Chair)	Cllr Mynott
Cllr Faragher (Vice-Chair)	Cllr Newberry
Cllr Bridge	Cllr Reed
Cllr Mrs Middlehurst	Cllr Mrs Slade
Cllr Morrissey	Cllr Wiles
Cllr Mrs Murphy	

### Apologies

Cllr Chilvers

### Substitute Present

Cllr Mrs Davies

### Also Present

Cllr Barrett	
Cllr Cloke	
Cllr Mrs Hones	
Cllr Hossack	
Cllr Foan	- West Horndon Parish Council
Cllr Lockhart	- Blackmore Parish Council
Andrew Martindale	- Historic England representative

### Officers Present

Surinder Atkar	- Planning Solicitor
Philip Drane	- Planning Policy Team Leader
Stephen Hay	- Senior Policy Planner - Projects
Nick Howard	- Development Management Team Leader
Claire Mayhew	- Corporate and Democratic Services Manager
Paulette McAllister	- Design & Conservation Officer
Philip Ruck	- Chief Executive

**338. Apologies for Absence**

Apologies were received from Cllr Chilvers, Cllr Mrs Davies was present as a substitute.

**339. Minutes of the Previous Meeting**

The minutes of the meeting held on 21<sup>st</sup> February 2018 were approved as a true record, subject to an amendment to the recorded vote under Min 269 to state:

A motion was **MOVED** by Cllr Russell and **SECONDED** by Cllr Faragher to **APPROVE** the application subject to conditions within the report and in accordance with the approved plans. The applicant to re-submit new plans within one month to reflect what has been constructed on site. Delegation authority is given to the Planning Officer.

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

**FOR:** Cllrs Wiles, Russell, Bridge, Ms Middlehurst, Ms Sanders and Faragher (6)

**AGAINST:** Cllrs Mynott, Newberry, Chilvers and Morrissey (4)

**ABSTAIN:** Cllrs Ms Slade and Reed (2)

The Chair informed members of the Committee that the planning application 17/01528/FUL - South Essex Golf Club has been deferred and will be brought to the committee at a later date.

**340. Hutton Hall, Hutton Village, Hutton, Essex CM13 1RX Application Number: 17/01547/FUL**

Due to Cllr Sanders interest, Cllr Faragher took on the role of Chair for the duration of this item and Cllr Wiles was appointed Vice Chair for the duration of this item only. Cllr Sanders left the room for this item.

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

Mr Martindale, Principal Inspector of Historic Buildings and Areas at Historic England, was present and addressed the committee with their serious concerns relating to the application.

The scale and footprint (26m x 9m) of the marquee results in an unsuitable further intensification of the overall site. Its siting being so close to the Grade II \* listed building and immediately adjacent of the conservatory, cause severe

harm to the setting. Historic England did not support the original application finding the positioning of the Marquee to be harmful. Mr Martindale reiterated their Consultee advice, in that the permanent sitting would exasperate the situation to a level which was severely harmful.

The current application seeks removal of the condition 5. Historic England objects to removal of the condition and therefore the application should be refused.

The Framework requires Local Planning Authorities to take into account the desirability of sustaining and enhancing Heritage Assets and to find a viable use for their long term conservation which makes a positive contribution to the conservation area. Reference was made to NPPF 131, NPPF 132 and 134.

Mr Hay, drew attention to the applicant's viability statement. This was submitted as a non-independent statement and did not cover a detailed profile of costs, profit projection, break-even, or general issues affecting viability.

The statement referred to the commercial need for smaller weddings more likely to be held in Winter months (November-March), but with no commercial evidence for a marquee. A review of similar venues, indicates that winter weddings only account to a very small proportion of bookings.

Without a submission of a full business case plan, it would be difficult to conclude that a viability case can be made for the removal of the condition.

Cllr Hossack, Ward Member was present and addressed the committee in support of the application, agreeing that the main concern was the preservation of Hutton Hall and the grounds. The original application approved two years ago included a full business plan. If the current application is not approved the viability will demise, the income will demise and the building will not be sustainable. To remove the marquee twice a year, will increase damage to the Grade II\* building.

Phil Ruck, Chief Executive informed members of the committee that enforcement officers have been notified of three conditions being breached:-

1. Wedding Ceremony & Funeral Wakes only. 50<sup>th</sup> Birthday and Wedding Fayre have also been held, which are not stated under condition 3.
2. Marquee only being erected between April-October.
3. Hutton Hall's website advertises the venue can hold 130 guests. The condition states 120.

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

A vote was taken by a show of hands and the Members voted as follows:-

**FOR:** Cllrs Bridge, Mynott, Newberry, Mrs Davies, Morrissey and Faragher (6)

**AGAINST:** Cllr Wiles (1)

**ABSTAIN:** Cllrs Ms Middlehurst, Reed, Ms Slade and Mrs Murphy (4)

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

The proposal would result in a permanent structure abutting a nationally important Grade II\* listed building; the harm to the setting of the building would result in material detrimental impact on the significance of the Grade II\* Listed Building and the Grade II Listed Walled Garden. It would neither enhance or preserve the appearance of the Hutton Village Conservation Area. This harm would be material, but in the terms of Chapter 12 of the National Planning Policy Framework (NPPF), it would be less than substantial. The public benefits of the proposal do not clearly outweigh the harm identified including making optimum viable use of the heritage assets, contrary to Chapter 12 of the NPPF, the NPPG and Policies C14 and C16 of the Brentwood Replacement Local Plan 2005.

*(Cllr Ms Sanders declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being related to the applicants, she therefore left the room and didn't take part in the debate or vote).*

*(Cllrs Faragher, Bridge, Ms Middlehurst, Mrs Murphy, Reed, Ms Slade, Wiles and Mrs Davies declared a non-pecuniary interest under the Council's Code of Conduct by virtue of knowing the applicants).*

**341. 33-37 High Street, Brentwood, Essex, CM14 4RG Application Number: 17/01533/FUL**

Cllr Mynott, Ward Member expressed his concerns over the impact on neighbours of Culyers Yard and the loss of car parking on the proposed site to the retailers in the High Street.

At present, the design of the Culyers Yard development against what is currently there is very satisfying.

The proposal for the High Street element of the development would be out of character in the High Street with regard to its size, massing and design.

The construction of a five-storey building on William Hunter Way is overbearing for such a small area, is higher than Sainsburys and Culyers Yard, and so will not enhance the area.

Cllr Slade, Ward Member could see no grounds to support this application. The proposed High Street development should be of Victorian Design like the eastern end of the High Street.

Ms McAllister, agreed with Members that the Victorian buildings towards the eastern end of the High Street, were buildings of merit. However, under Government Policy, the local planning authority cannot impose a design on applications.

Officers have looked at the grain, portion and rhythm of historic buildings in the High Street. The applicants supplied a 3D-model which was considered as part of the Councils 3D model of Brentwood Town Centre enabling officers to assess key views and urban context.

After a full discussion, a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Ms Slade to **REFUSE** the application under CP1 – character, scale and mass, impact on visual amenity and C14 – failure to enhance the character and appearance of the conservation area.

A vote was taken by a show of hands and the members voted as follows:

**FOR:** Cllrs Reed, Ms Slade, Wiles, Mynott, Newberry, Mrs Davies and Morrissey (7)

**AGAINST:** Cllrs Faragher and Ms Sanders (2)

**ABSTAIN:** Cllrs Bridge and Ms Middlehurst (2)

*(Cllr Mrs Murphy was unwell and left the meeting before this item was debated and therefore didn't take part in the vote).*

The motion was **CARRIED** and the application was **REFUSED** under CP1 and C14.

**342. 130 Kings Road, Brentwood, Essex CM14 4EQ Application Number: 17/01971/FUL**

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

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

Ward Members, expressed their concerns about the overbearing nature of the proposed development and impact on local residents. Issues were also raised about lack of car parking provisions.

Mr Drane, asked Members to be mindful in their deliberation of national policy, the requirement for the Council to meet local housing needs, and the lack of five year housing supply. The Council should be ensuring delivery of development in sustainable locations and encouraging use of sustainable transport modes.

After a full discussion a motion was **MOVED** by Cllr Bridge and **SECONDED** by Cllr Ms Sanders to **APPROVE** the recommendation subject to the conditions in the report.

A vote was taken by a show of hands and the members voted as follows:

**FOR:** Cllrs Bridge and Ms Sanders (2)

**AGAINST:** Cllrs Ms Middlehurst, Ms Slade, Reed, Wiles, Mynott, Newberry, Mrs Davies, Faragher and Morrissey (9)

**ABSTAIN:** (0)

The motion was **LOST**.

A motion was **MOVED** by Cllr Faragher and **SECONDED** by Cllr Morrissey to **REFUSE** the application under Policy CP1 – overbearing nature of development on local residents, scale, size and mass of the development.

**FOR:** Cllrs Ms Middlehurst, Ms Slade, Reed, Wiles, Mynott, Newberry, Mrs Davies, Faragher and Morrissey (9)

**AGAINST:** Cllrs Bridge and Ms Sanders (2)

**ABSTAIN:** (0)

*(Cllr Mrs Murphy was unwell and left the meeting before this item was debated and therefore didn't take part in the vote).*

The motion was **CARRIED** to **REFUSE** the application under CP1.

**343. Highpoint, Beggar Hill, Fryerning, Essex CM4 0PN Application Number: 18/00075/FUL**

Mr Harrison, the Applicant's Representative was present and addressed the committee in support of the application.

Ward Members spoke in support of the application. The development of a house on this site would be more in keeping and enhance the area.

Cllr Bridge, read out a letter on behalf of Ingatestone and Fryerning Parish Council with their objection to the application.

After a full discussion, a motion was **MOVED** by Cllr Faragher and **SECONDED** by Cllr Slade to **APPROVE** the application subject to conditions as stated by the Officer relating to three years consent, no Permitted

Development for extension or outbuilding, development to be in accordance with drawings, demolition of existing building before occupation of new building and storage of materials whilst building work is being undertaken.

**FOR:** Cllrs Bridge, Ms Slade, Wiles, Newberry, Mrs Davies, Faragher and Ms Sanders (7)

**AGAINST:** Cllrs Ms Middlehurst and Reed (2)

**ABSTAIN:** Cllrs Mynott and Morrissey (2)

*(Cllr Mrs Murphy was unwell and left the meeting before this item was debated and therefore didn't take part in the vote).*

The motion was **CARRIED** to **APPROVE** the application subject to conditions.

*(Cllrs Cloke and Mrs Hones declared a non-pecuniary interest under the Council's Code of Conduct by virtue of knowing the applicants).*

#### **344. Chelmsford City Council Local Plan Pre-Submission version (2018)**

The report seeks approval on a formal response from Brentwood Borough Council to the Chelmsford Local Plan Pre-Submission Draft, January 2018 Document (Regulation 19).

The proposed response conveys broad support of Chelmsford City Council's aims in the preparation of their local plan. The Chelmsford Plan is at the late stages of the plan-making process with details provided on the strategic approach, specific policies and specific site allocations for the area.

A motion was **MOVED** by Cllr Wiles and **SECONDED** by Cllr Bridge to **APPROVE** the recommendation in the report.

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

**To approve the response to Chelmsford City Council's Local Plan Pre-Submission Draft document (January 2018), as set out in Appendix A.**

#### **Reasons for Recommendation**

Chelmsford City Council are at the submission stage of the plan-making process. Policies and site allocations have been proposed as part of this consultation.

It is considered appropriate that Brentwood Borough Council express broad support for Chelmsford City Council's positive efforts to develop a local plan in

accordance with national policy and guidance, and the commitment to continued collaboration through the duty to cooperate on strategic planning matters that affect the two areas.

**345. Urgent Business**

Cllr Foan, West Horndon Parish Council raised concerns over the lack of documents being published online in time for consultation periods on planning applications, limiting respondent's ability to fully consider proposals.

Phil Ruck, Chief Executive to review the process and to be informed by the Parish Council of any further issues.

The meeting concluded at 9.36pm